

Agenda**Environmental Protection
Commission**

March 18, 1996

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Appointment:

Tom Lohr (Item #8)

11:00 A.M.

Ernie Kersten (Item #18)

2:00 p.m.

Agenda topics

- | | |
|--|----------------------------------|
| 1. Approve Agenda | |
| 2. Approve Minutes of February 19, 1996 | |
| 3. Director's Report | Larry Wilson (Information) |
| 4. Monthly Financial Status Report | Stan Kuhn (Information) |
| 5. Toxic Cleanup Days Contract Amendment | Teresa Hay (Decision) |
| 6. Landfill Alternatives Financial Assistance Program Contract | Teresa Hay (Decision) |
| 7. By-Products and Waste Search Service Contract - Kirkwood Community College | Teresa Hay (Decision) |
| 8. Landfill Alternatives Financial Assistance Contracts | Teresa Hay (Decision) |
| 9. Waste Reduction Recycling Goal Status and Location of LAFA Recipients | Teresa Hay (Information) |
| 10. Monthly Reports | Allan Stokes (Information) |
| 11. Nonpoint Source Pollution Control Project Contract - ISU Extension | Allan Stokes (Decision) |
| 12. Title V Air Quality Budget and Fees | Allan Stokes (Decision) |
| 13. Operation Fees for Water Supply Program | Allan Stokes (Information) |
| 14. Proposed Rule--Chapter 103, Sanitary Landfill Liners | Allan Stokes (Information) |
| 15. Proposed Rule--Chapter 20 and 22, Potential to Emit for Grain Elevators and Emergency Generators | Allan Stokes (Information) |

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|-----|---|----------------------------------|
| 16. | Final Rule--Chapters 20, 22, 23, 29, Operating Permit by Rule for Small Sources | Allan Stokes (Decision) |
| 17. | Final Rule--Chapter 42, 63, and 83, Laboratory Certification | Allan Stokes (Decision) |
| 18. | Contested Case Appeal--Dodger Enterprises and Don Grell | Allan Stokes (Decision) |
| 19. | Legislation Update | Don Paulin (Information) |
| 20. | General Discussion | |
| 21. | Address Items for Next Meeting | |

Next Meeting Dates	April 15, 1996
	May 20, 1996
	June 17, 1996

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 18, 1996

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Mike Haun Fremont County Waste Sys Hamburg

Lisa Skumatz S.E.R.A. Seattle

Jerry Prosen Mercy Business Cmn. Omaha

~~Dan Pappert~~

Amy Christensen

Sullivan & Ward

Des Moines

Gary Coleman

Hy-Line

Dallas Center

Tom Lohr

Hy-Line Int

Dallas Center

Robin Fortney

MidAmerican Energy Co.

DM,

Lee Friell

Hygienic Laboratory

Des Moines

Patrick Lalley

Lee Newspapers

DM

JOE NETTLETON

SALSBURY CHEMICALS

CHARLES CITY

JANE McALLISTER

AHLERS LAW FIRM

DSM

Eugene Hederson

IDED

DSM

Chris Gault

Farm Bureau

WDSM

Rakhee Kaparthi

Iowa Waste Reduction Center

Cedar Falls

Don Fleming

Iowa State University

Ames-

ENVIRONMENTAL PROTECTION COMMISSION

Monday March 18, 1996

NAME

COMPANY OR AGENCY

CITY

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File Name *ADM-1-1-1* *Minutes*
Senders Initials *JL* *March 1996*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 18, 1996

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, March 18, 1996, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
William Ehm
Rozanne King, Chair
Charlotte Mohr, Secretary
Gary Priebe, Vice-Chair
Terrance Townsend

MEMBERS ABSENT

Kathryn Murphy

Director Wilson stated that Kathryn Murphy called to say she has a business conflict and will not be able to attend the Commission meeting.

ADOPTION OF AGENDA

Director Wilson stated that the Commissioners indicated they had not received the minutes which were sent under separate cover, therefore a copy was distributed to them just prior to the meeting, and he inquired as to how they want to handle the approval.

Chairperson King asked if the Commission would like to wait until next meeting to approve the minutes of February 19; consensus was to delay approval until the April meeting.

Motion was made by William Ehm to approve the agenda, as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Director Wilson presented a service certificate to Commissioner Mohr for 15 years service with the State, and to Verlon Britt for five years service.

Mr. Wilson distributed copies of "Geology 1995" published by the Geologic Survey Bureau, a color coded map showing the location of permitted agriculture waste disposal facilities in Iowa, and a listing of Toxic Cleanup Days Spring 96 Locations.

Mr. Wilson stated that at the end of the meeting today he will report on the recommendations of the Governor's Competitiveness Task Force and the department's response to those recommendations.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Accompanying this item is the YTD February 29, 1996 division-level expenditure status report.

Staff will be present and will respond to questions regarding related fiscal matters, and present additional information regarding questions raised about the EPD and E&G division status raised at the previous commission meeting.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	1,004,589	1,038,827	675,238	617,874	57,364
PERS TRV IN	41,546	54,282	31,646	17,437	14,209
STATE VEHICL	4,535	7,431	4,956	2,736	2,220
DEPRECIATION	7,860	12,640	8,431	5,440	2,991
PERS TRV OUT	10,438	9,500	5,539	6,445	(907)
OFF SUPPLY	71,747	76,600	44,658	43,685	973
FAC MAINT SU	34	31,000	18,073	1,360	16,713
EQUIP MAINT	4,166	6,850	3,994	1,558	2,436
OTHER SUPPLY	63,923	58,400	34,047	45,626	(11,579)
PRINT & BIND	259,174	325,944	190,025	94,120	95,905
UNIFORMS	1,951	2,150	1,253	556	697
COMMUNICATIO	28,986	25,800	15,041	15,122	(81)
RENTALS	2,193	2,000	1,166	1,363	(197)
UTILITIES	187	750	437	118	319
PROF SERV	53,169	80,070	48,843	14,877	33,966
OUTSIDE SERV	31,516	26,550	15,479	24,447	(8,968)
ADVER PUB	0	5,000	2,915	0	2,915
DATA PROC	7,275	14,050	8,191	2,330	5,861
REIMBURSEMENT	3,896	6,175	3,600	281	3,319
EQUIPMENT	22,464	29,724	25,265	11,294	13,971
OTHER EXP	124	2,600	1,516	4	1,512
	1,619,773	1,816,343	1,140,314	906,673	233,641

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	3,727,699	3,729,059	2,423,888	2,345,915	77,973
PERS TRV IN	32,873	42,850	24,982	24,121	861
STATE VEHICL	47,570	55,000	36,685	38,770	(2,085)
DEPRECIATION	68,730	75,500	50,359	46,390	3,969
PERS TRV OUT	7,148	8,500	4,956	6,518	(1,563)
OFF SUPPLY	339,910	355,500	207,257	207,261	(5)
FAC MAINT SU	2,020	16,000	9,328	997	8,331
EQUIP MAINT	46,662	53,000	30,899	24,980	5,919
OTHER SUPPLY	18,066	14,000	8,162	6,712	1,450
PRINT & BIND	25,145	23,000	13,409	12,152	1,257
UNIFORMS	6,031	2,500	1,458	784	674
COMMUNICATIO	101,812	108,100	63,022	60,975	2,047
RENTALS	184	500	292	536	(245)
UTILITIES	282	0	0	0	0
PROF SERV	52,024	70,000	42,700	31,859	10,841
OUTSIDE SERV	34,280	79,650	46,436	39,071	7,365
ADVER PUB	934	500	292	328	(37)
DATA PROC	44,611	91,000	53,053	52,338	715
AUDITOR REIM	169,503	175,000	106,750	71,937	34,813
REIMBURSMENT	182,696	118,650	69,173	74,429	(5,256)
EQUIPMENT	199,462	169,500	144,075	127,103	16,972
OTHER EXP	8,484	8,658	5,048	0	5,048
LICENSES	0	50	29	0	29
	5,116,126	5,196,517	3,342,250	3,173,176	169,074

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	5,004,243	4,555,104	2,960,818	2,930,420	30,398
SEASONAL HELP	1,509,834	1,298,094	791,837	804,808	(12,971)
PERS TRV IN	72,955	58,550	34,135	42,707	(8,572)
STATE VEHICL	213,209	200,460	133,707	140,218	(6,511)
DEPRECIATION	292,147	304,150	202,868	166,232	36,636
PERS TRV OUT	4,357	7,585	4,422	3,673	749
OFF SUPPLY	55,853	37,200	21,688	21,832	(144)
FAC MAINT SU	517,700	570,409	302,317	355,369	(53,052)
EQUIP MAINT	363,110	312,298	165,518	241,509	(75,991)
AG CONS SUPP	55,354	34,035	18,039	17,765	274
OTHER SUPPLY	37,550	43,600	25,419	19,046	6,373
PRINT & BIND	28,417	28,000	16,324	9,673	6,651
UNIFORMS	37,322	34,077	19,867	31,171	(11,304)
COMMUNICATIO	97,981	105,250	61,361	59,721	1,640
RENTALS	42,930	38,050	20,167	27,026	(6,860)
UTILITIES	440,884	423,200	224,296	298,985	(74,689)
PROF SERV	52,839	105,165	64,151	14,795	49,356
OUTSIDE SERV	219,918	203,852	108,042	144,341	(36,299)
ADVER PUB	2,904	1,050	612	668	(56)
DATA PROC	2,846	5,000	2,915	946	1,969
REIMBURSMENT	8,012	7,375	4,300	3,625	675
EQUIPMENT	239,227	216,100	183,685	172,928	10,757
OTHER EXP	52	2,700	1,574	391	1,183
LICENSES	204	697	406	1,065	(659)
	9,299,848	8,592,001	5,368,465	5,508,914	(140,449)

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	1,801,319	1,804,191	1,172,724	1,168,513	4,211
SEASONAL HELP	81,704	122,976	75,015	44,592	30,423
PERS TRV IN	40,119	42,800	24,952	26,844	(1,892)
STATE VEHICL	66,145	86,500	57,696	48,129	9,567
DEPRECIATION	133,805	138,500	92,380	79,270	13,110
PERS TRV OUT	8,189	8,800	5,130	3,231	1,899
OFF SUPPLY	27,792	25,870	15,082	14,226	856
FAC MAINT SU	49,992	33,500	19,531	32,105	(12,575)
EQUIP MAINT	57,760	49,000	28,567	39,388	(10,821)
AG CONS SUPP	125,118	113,000	65,879	45,936	19,943
OTHER SUPPLY	12,826	19,900	11,602	8,138	3,464
PRINT & BIND	3,419	26,200	15,275	7,971	7,304
UNIFORMS	13,640	14,300	8,337	2,201	6,136
COMMUNICATIO	39,189	39,669	23,127	29,416	(6,289)
RENTALS	39,257	38,000	22,154	21,722	432
UTILITIES	30,741	36,800	21,454	17,352	4,102
PROF SERV	19,546	8,820	5,380	1,659	3,721
OUTSIDE SERV	57,912	60,820	35,458	39,716	(4,258)
ADVER PUB	176	2,000	1,166	159	1,007
DATA PROC	666	2,000	1,166	552	614
REIMBURSMENT	2,580	550	321	513	(192)
EQUIPMENT	140,782	71,861	61,082	31,790	29,292
OTHER EXP	0	0	0	11	(11)
	2,752,677	2,746,057	1,763,477	1,663,434	100,054

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	2,340,475	2,445,164	1,589,357	1,505,064	84,293
PERS TRV IN	18,491	51,756	30,174	10,614	19,560
STATE VEHICL	10,970	14,000	9,338	7,795	1,543
DEPRECIATION	18,515	20,000	13,340	7,855	5,485
PERS TRV OUT	47,982	68,787	40,103	26,931	13,172
OFF SUPPLY	29,069	36,105	21,049	22,276	(1,227)
FAC MAINT SU	428	2,200	1,283	112	1,171
EQUIP MAINT	2,810	6,550	3,819	1,135	2,684
PROF SUPPLY	1,048	3,280	1,912	533	1,379
OTHER SUPPLY	29,162	61,561	35,890	14,832	21,058
PRINT & BIND	33,907	48,300	28,159	10,926	17,233
UNIFORMS	402	1,000	583	238	345
COMMUNICATIO	39,280	46,428	27,068	22,735	4,333
RENTALS	2,764	3,100	1,807	1,621	186
UTILITIES	18,227	16,400	9,561	10,694	(1,133)
PROF SERV	955,814	1,955,824	1,193,053	435,989	757,064
OUTSIDE SERV	57,518	134,270	78,279	43,896	34,383
ADVER PUB	624	1,000	583	707	(124)
DATA PROC	4,492	19,530	11,386	2,818	8,568
REIMBURSMENT	8,164	6,635	3,868	3,226	642
EQUIPMENT	136,163	158,381	134,624	81,749	52,875
OTHER EXP	5,408	4,742	2,765	535	2,230
	3,761,713	5,105,013	3,238,000	2,212,281	1,025,719

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	8,177,148	9,556,812	6,211,928	5,571,319	640,609
PERS TRV IN	55,513	130,807	76,260	30,357	45,903
STATE VEHICL	42,519	52,500	35,018	27,503	7,515
DEPRECIATION	56,720	76,500	51,026	37,330	13,696
PERS TRV OUT	72,774	193,332	112,713	47,438	65,275
OFF SUPPLY	98,251	127,557	74,366	76,678	(2,312)
FAC MAINT SU	3,133	4,300	2,507	2,293	214
EQUIP MAINT	16,909	19,750	11,514	7,639	3,875
PROF SUPPLY	0	1,250	729	0	729
OTHER SUPPLY	22,997	46,567	27,149	8,523	18,626
PRINT & BIND	74,754	109,600	63,897	43,395	20,502
UNIFORMS	4,773	7,600	4,431	3,201	1,230
COMMUNICATIO	177,611	177,850	103,687	93,228	10,459
RENTALS	87,694	119,500	69,669	72,690	(3,022)
UTILITIES	18,207	24,811	14,465	13,454	1,011
PROF SERV	2,667,560	6,716,468	4,097,045	1,861,656	2,235,389
OUTSIDE SERV	87,877	91,446	53,313	39,128	14,185
ADVER PUB	6,314	12,900	7,521	5,495	2,026
DATA PROC	189,747	217,106	126,573	84,938	41,635
REIMBURSEMENT	62,713	67,600	39,411	26,594	12,817
EQUIPMENT	956,082	1,746,333	1,484,383	343,172	1,141,211
OTHER EXP	15,213	12,720	7,416	0	7,416
	12,894,509	19,513,309	12,675,017	8,396,031	4,278,986

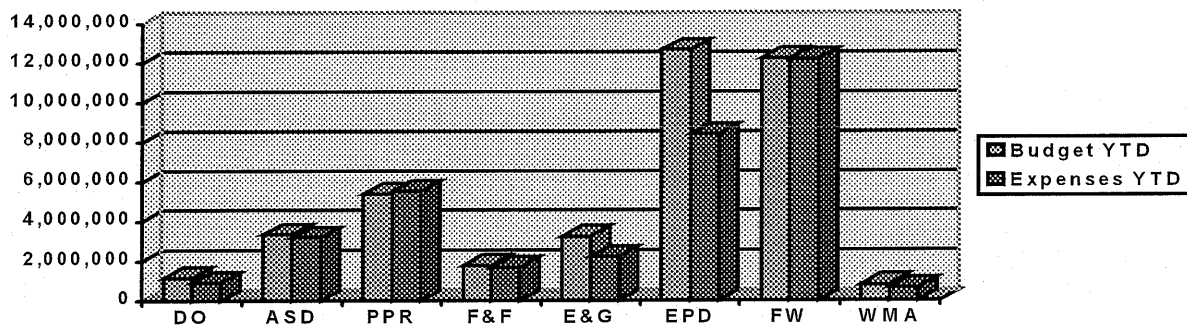
FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	12,485,277	12,227,973	7,948,182	8,035,023	(86,841)
SEASONAL HELP	785,126	802,414	489,473	493,629	(4,156)
PERS TRV IN	371,415	355,522	207,269	204,063	3,206
STATE VEHICL	540,298	506,700	337,969	347,040	(9,071)
DEPRECIATION	680,640	753,316	502,462	464,795	37,667
PERS TRV OUT	33,831	48,400	28,217	22,605	5,612
OFF SUPPLY	276,247	303,868	177,155	194,665	(17,510)
FAC MAINT SU	377,293	458,687	267,415	189,022	78,393
EQUIP MAINT	451,909	350,636	204,421	309,709	(105,288)
PROF SUPPLY	0	10,000	5,830	0	5,830
AG CONS SUPP	340,020	366,258	213,528	199,791	13,737
OTHER SUPPLY	171,384	103,577	60,385	113,243	(52,858)
PRINT & BIND	218,479	283,625	165,353	270,473	(105,120)
UNIFORMS	161,845	132,575	77,291	47,175	30,116
COMMUNICATIO	293,531	204,100	118,990	191,213	(72,223)
RENTALS	57,169	65,035	37,915	33,400	4,515
UTILITIES	206,398	242,216	141,212	140,234	978
PROF SERV	343,892	392,780	239,596	217,948	21,648
OUTSIDE SERV	185,806	170,362	99,321	74,838	24,483
ADVER PUB	1,883	2,600	1,516	2,423	(907)
DATA PROC	74,037	64,000	37,312	57,102	(19,790)
REIMBURSEMENT	72,133	68,450	39,906	35,111	4,795
EQUIPMENT	1,219,428	951,034	808,379	540,253	268,126
OTHER EXP	44,003	34,353	20,028	2,894	17,134
LICENSES	1,053	300	175	0	175
	19,393,097	18,898,781	12,229,301	12,186,649	42,652

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 2/29/96	YTD Actual 2/29/96	Under (Over)
PERS SERV	766,664	782,200	508,430	501,486	6,944
PERS TRV IN	29,522	47,214	27,526	14,241	13,285
PERS TRV OUT	23,060	39,165	22,833	13,827	9,006
OFF SUPPLY	9,635	32,030	18,673	5,853	12,820
EQUIP MAINT	634	1,900	1,108	839	269
OTHER SUPPLY	24,011	45,445	26,494	6,751	19,743
PRINT & BIND	30,863	61,258	35,713	32,649	3,064
UNIFORMS	0	0	0	28	(28)
COMMUNICATIO	14,932	16,000	9,328	8,676	652
RENTALS	691	800	466	305	161
PROF SERV	75,578	123,897	75,577	13,365	62,212
OUTSIDE SERV	7,480	9,886	5,764	5,216	548
ADVER PUB	613	13,500	7,871	3,396	4,475
DATA PROC	4,157	4,750	2,769	1,215	1,554
REIMBURSEMENT	25,209	15,110	8,809	13,521	(4,712)
EQUIPMENT	14,702	63,400	53,890	28,652	25,238
OTHER EXP	5,796	6,650	5,653	0	5,653
	1,033,547	1,263,205	810,904	650,020	160,884

DNR Division Expenditure Status, 2/29/96 (YTD)



Mr. Kuhn discussed the financial reports for each division noting that there is a problem with the Forestry Division not meeting expected nursery stock sales. He related that expenses will be cut back to compensate for the decreased sales. He reviewed additional information which provided an analysis of the EPD and E & G division expenditures.

Discussion followed regarding how long the oil overcharge money will last, overages on grants, and expenses related to the Ethanol Seminar. Mr. Kuhn reported that the department contracted with Resource Net to provide a service for a database on grant opportunities.

INFORMATIONAL ONLY

TOXIC CLEANUP DAYS CONTRACT AMENDMENT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission authorized the Director to implement a contract with Laidlaw Environmental Services for the purpose of disposal of wastes collected during fiscal year 1996 toxic cleanup days.

The original contract allowed a maximum of \$326,150.00 to sponsor toxic cleanup events for the fall of 1995 in eight counties and identified that Iowa counties would be selected to host spring 1996 events.

The Department requested proposals from Iowa counties to host spring of 1996 toxic cleanup events and the following eight counties have been selected:

Adair	Palo Alto
Appanoose	Pottawattamie
Buena Vista	Wapello
Davis	Wayne

The Department recommends that contract 96-G340-01 be amended to include the eight selected spring toxic cleanup events at a total cost not to exceed \$294,405.00. This amount includes a \$25,000 contingency that will allow the acceptance of waste from outside the host county. In this case, the Contractor must receive prior approval from the Department. The Commission is requested to authorize the Director to execute this amendment for spring 1996 toxic cleanup events.

CONTRACT AMENDMENT

This amendment covers changes in the Special Conditions of Contract 96-G340-01 between the **Iowa Department of Natural Resources and Laidlaw Environmental Services**. All parts of the Special Conditions that are not amended below and all parts of the General Conditions of this Contract shall continue to be in force throughout the Time of Performance.

1. Amend Distribution Copies by adding the following:

Copy 9: Adair County	Copy 13: Palo Alto County
Copy 10: Appanoose County	Copy 14: Pottawattamie County
Copy 11: Buena Vista County	Copy 15: Wapello County
Copy 12: Davis County	Copy 16: Wayne County

2. Amend Article I by adding:

Additional Parties to this contract are: Adair County Sanitary Landfill, (hereinafter referred to as Adair County), Rathbun Area Solid Waste Commission, (hereinafter referred to as Appanoose County), Buena Vista Environmental Health Department (hereinafter referred to as Buena Vista County), Davis County Board of Health, (hereinafter referred to as Davis County),

Palo Alto County Emergency Management Agency, (hereinafter referred to as Palo Alto County), the City of Council Bluffs , (hereinafter referred to as Pottawattamie County), Ottumwa/Wapello County Solid Waste Commission, (hereinafter referred to as Wapello County), Wayne County Board of Health, (hereinafter referred to as Wayne County.)

3. Amend Article II as follows:

Add to **Section 2.3 Key Personnel for Contract** the following:

Dennis Reha, Adair County Sanitary Landfill
Rodger Kaster, Rathbun Area Solid Waste Commission
Kim Johnson, Buena Vista Environmental Health Department
Donnie Herteen, Davis County Board of Health
Jarrett Lee, Palo Alto County Emergency Management Agency
Don Dierks, Council Bluffs Health Department
Thomas Clark, Ottumwa/Wapello County Recycling Center
Allen Kucera, Wayne County Board of Health

4. Amend Article VI by **adding** the following:

April 27, 1996

Buena Vista County
 Engineer's Maintenance Garage
 Storm Lake, IA

Palo Alto County
 Palo Alto County Fairgrounds
 Emmetsburg, IA

May 11, 1996

Wapello County
 Ottumwa Park Shelter
 Ottumwa, IA

Davis County
 Rural Deposit Station
 Bloomfield, IA

May 4, 1996

Pottawattamie County
 West Pottawattamie County Fairgrounds
 Council Bluffs, IA

Adair County
 Adair County Fairgrounds
 Menlo, IA

May 18, 1996

Appanoose County
 Appanoose County Fairgrounds
 Centerville, IA

Wayne County
 Wayne County Fairgrounds
 Corydon, IA

5. Amend Article VIII as follows:

Change **Section 8.1 Funding** to read :

Adair County agrees to pay for the first \$825.00 of the cost of the service for the event in Adair County.

Appanoose County agrees to pay for the first \$1,520.00 of the cost of the service for the event in Appanoose County.

Davis County agrees to pay for the first \$2,000.00 of the cost of the service for the event in Davis County.

Palo Alto County agrees to pay for the first \$1,500.00 of the cost of the service for the event in Palo Alto County.

Pottawattamie County agrees to pay for the first \$14,925.00 of the cost of the service for the event in Pottawattamie County.

Wapello County agrees to pay for the first \$10,000.00 of the cost of the service for the event in Wapello County.

IDNR agrees to pay \$20,000.00 for the cost of the service for the event in Wayne County.

IDNR agrees to pay \$48,000 for the cost of the service for the event in Buena Vista County.

Revise **Section 8.1 - E** language as follows, " The Department agrees to pay for the **remaining costs** of the service for the **Toxic Cleanup Days** held in the **Spring of 1996** in the counties of Adair, Appanoose, Davis, Palo Alto, Pottawattamie, and Wapello counties, and **the total cost** of Buena Vista and Wayne counties at a total cost **not to exceed** \$269,405.00 The Department may also authorize the contractor to accept waste from counties other than those in the above specified events at the discretion of the department up to an **additional** \$25,000 for the rendering of these services. The maximum amount the Department agrees to pay at its **discretion** is \$294,405.00."

Ms. Hay explained details of the contract.

Motion was made by William Ehm to approve the Toxic Cleanup Days contract amendment with Laidlaw Environmental Services not to exceed \$294,405. Seconded by Kathryn Draeger. Motion carried unanimously.

Brief discussion followed.

APPROVED AS PRESENTED

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM CONTRACT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Waste Management Assistance Division has identified market development and buy recycled as project areas necessary to allow recycling systems to grow and stabilize. Without private sector initiatives, strong markets for recyclable materials are not possible. Through public--private partnership, the State can create an effective and lasting recycling system in Iowa. Educating architects, builders, and manufacturers on the opportunities for using high recycled content materials and educating consumers on the benefits of purchasing products with recycled content will help assure greater market development for recycled content materials in the State.

To promote market development and to support the goals of the Buy Recycled initiative and Recycling Economic Development Advocate (REDA) activities, the Department has selected the City of Bettendorf to receive \$75,000 as a targeted project. This project will use higher recycled content and less/non-toxic materials in the construction of the City's Family Museum of Arts and Science, promote the manufacture of recycled content materials and educate Iowans on opportunities for buying recycled content products.

The City of Bettendorf hired John Barrie Associates, an architectural consulting firm and national leader in the use of recycled content construction materials, to review the original building specifications and to identify higher recycled content products and non-toxic/less toxic materials that were available for use. Resulting from this review, the City of Bettendorf requested and was selected to receive grant assistance to:

- 1) fund the cost difference between the original specified construction materials and the higher recycled content and less/non-toxic construction materials;
- 2) construct a traveling museum model from the same materials as the museum;
- 3) develop and prepare information signs located throughout the building which explain to museum visitors the different recycled content and less/non-toxic materials used; and
- 4) develop and print educational booklets describing the materials used in the building including their cost compared to more traditional materials, cradle to grave environmental histories of the materials used and a list of where the recycled content and less/non-toxic materials were purchased.

This targeted project is supportive of the goals of the national Buy Recycled campaign, the Recycle Iowa initiative, and the REDA office. The Buy Recycled campaign is supported by the national Buy Recycled Business Alliance, which is a group of businesses committed to increasing their purchase of recycled content products. The Buy Recycled Business Alliance was brought to Iowa through a cooperative effort of the National Recycling Coalition and the Department. The Recycle Iowa program is a state initiative committed to increasing the number of Iowa businesses purchasing recycled content products and increasing Iowans' awareness of closing the recycling loop. The recycling loop is comprised of three parts, collecting materials, processing materials, and buying recycled products which closes the recycling loop. The REDA office is supported jointly by the US Environmental Protection Agency, the Department of Economic Development and the Department of Natural Resources. REDA assists local

governments in achieving the recycling goals outlined in the Waste Reduction and Recycling Act, through developing recycling markets, encouraging community based economic development through expansion of markets for businesses in the recycling industry, and facilitating the use of secondary materials in Iowa industrial sectors to produce recycled products and provide value-added markets for recycled materials.

This targeted project is funded by a portion of solid waste tonnage fees through the Landfill Alternatives Financial Assistance Program.

The contract is attached for the Commission's approval.

City of Bettendorf

Family Museum of Arts and Science Grant -- \$75,000

ARTICLE III. SCOPE OF WORK

- 3.1 **Project Description.** The Contractor shall replace traditional building materials with materials of higher recycled content and decrease the toxicity of material in the construction of the Family Museum of Arts and Science. The Contractor shall provide signage throughout the museum to identify the recycled content materials and will develop and make available education booklets providing detailed information of the materials used in construction. The Contractor shall build a traveling model of the museum constructed from the same materials as the museum.
- 3.2 **Public Awareness and News Media.** The Contractor shall conduct at least one multi-media notified open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior the scheduled date of the open house. The Contractor shall inform the public of the Project, the project site and project events through the use of newspapers, newsletters and/or other media within the area served by the Project. The Contractor shall also make a concerted effort to host a meeting open to the public or speak at a conference, workshop or similar event to discuss the Project.
- 3.3 **Project Monitoring.** The Contractor shall document and monitor, at a minimum: a) status of museum construction; b) the type, amount and purpose of recycled content construction materials used; c) traditional construction materials replaced with higher recycled content materials; d) cost differential between traditional and recycled content construction materials; e) difficulties encountered in using higher recycled content materials; f) the type of less/non-toxic materials used in the building construction and their function. The Contractor shall also report the status of the traveling model construction and use, building signage, and educational booklet development. The Contractor shall report public awareness and education activities as identified in Article III, Section 3.2.

Monitoring results shall be reported in quarterly reports and the final report to the Department as described in Article III, Sections 3.3 and 3.5. Appendix B provides a guide as to the format the quarterly and final reports should follow.

The Contractor shall provide the Department with preliminary education booklet and building signage design, content and placement. These materials shall be provided with sufficient advance to allow the Department to provide input prior to final design and printing. The Contractor agrees that the Department may reserve the traveling model for use at such functions as, but not limited to, the Iowa State Fair.

- 3.4 **Pictorial History.** The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. Provide necessary supporting information, a narrative, for clarification of pictorial history subject matter. The pictorial history shall be of such quality necessary for presentations at conferences, reproduction in trade journals, and other sources to disseminate the results of the Project. Provide necessary supporting information for clarification of pictorial history subject matter. One copy of this pictorial history and supporting narrative shall be submitted with the final report described in Article III, Section 3.5 and Article VIII, Milestones.
- 3.5 **Final Report.** The Contractor shall submit a final report on the Project. The final report shall be submitted by the date identified on the title page of the Contract and in Article VI, Milestones. The final report shall include an overview of Article III, Sections 3.1 through 3.4. Special attention shall be given to the following items:
- 1) Detailed summary of items identified in Article III, Section 3.3.
 - 2) Final figures on the amount of recycled content construction materials used in the museum construction, including recycled content construction material type and function. Final cost differential figures on using the higher recycled content construction materials including a description of the traditional construction materials replaced. A summary of the less/non-toxic materials used in construction of the museum and their function. Copies of the final building signage design, content and location and a reproducible copy of the museum's education booklet shall be provided with the final report.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other facilities, communities, counties and regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
 - 5) Complete pictorial (slides) history and supporting narrative of the Project. The pictorial history must be of presentation quality.
 - 6) Copies of all educational materials, brochures, newspaper and magazine articles, press releases, public service announcements and other written, audio, and pictorial materials that educate or promote the Project.

APPENDIX A

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Construction materials	\$ 50,000	\$50,000	\$ 100,000
Model, Signage and Education Booklets	25,000	25,000	50,000
TOTALS	\$ 75,000	\$ 75,000	\$ 150,000

Ms. Hay stated that this is a special targeted project similar to the contracts presented several months ago regarding the Area Agencies on Aging. She related that it did not come through the normal round of grant applications. She explained details of the project using recycled content products.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve the Landfill Alternatives Financial Assistance Program contract with the City of Bettendorf as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

BY-PRODUCTS AND WASTE SEARCH SERVICE CONTRACT - KIRKWOOD COMMUNITY COLLEGE

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The By-product and Waste Search Service program is funded with solid waste tonnage fees as established in Iowa Code 455B.310. This program facilitates waste exchanges from generator industries to other industries or to recyclers that can use the waste material as a raw material. This diverts materials from the landfill and realizes an economic benefit for both the generator and processor. Applications for grant assistance are reviewed by representatives from the Department, the Department of Economic Development, and the Iowa Waste Reduction Center. Since the inception of the program in 1990, materials valued at an estimated \$3 million dollars have been diverted from disposal for beneficial reuse.

The Kirkwood Community College scope of work was presented last month at the February meeting. At that time, the Commission raised a concern with the proposed budget, specifically, the ratio of fringe benefits to salary. An adjustment has been made to the budget, and the following explanation is offered.

Kirkwood Community College offers to its employees an optional flexible benefits plan (i.e., 401K retirement program). Salary dollars which are eligible to be directed to the optional benefits plan were incorrectly identified by the applicant in the Benefits and Fringes line item, instead of the Salary line item. These monies are now correctly identified in the Salary line item. Therefore, the ratio of fringe benefits to salary is now accurately reflected. (This ratio is consistent with other BAWSS contracts and also with the ratio used by the State.)

The Kirkwood Community College scope of work and budget is presented to the Commission for approval.

ARTICLE VI. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 In order to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract, the Contractor shall provide the following staffing: Brenda Narveson, full-time BAWSS representative and Stacy Johnson, full-time BAWSS representative and necessary administrative and support staff.
- 6.2 The primary service area for the Contractor shall include Marshall, Tama, Benton, Linn, Jones, Poweshiek, Iowa, Johnson, Cedar, and Washington counties. Stacy Johnson shall be responsible for coverage in Linn county and Brenda Narveson shall cover the other outlying counties.
- 6.3 The Contractor's activities shall include promoting the use of pollution prevention, waste reduction, reuse, recycling, and the waste exchange program to regional business and industry. These activities will include, but not be limited to, one-on-one education and interaction at business and industry sites, referrals to the IWRC and the Department's WRAP program and other appropriate programs.
- 6.4 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.

- 6.5 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to , the following: identifying/communicating with those operating recycling or material collection or related industries; communicating with business and industry personnel with exemplary pollution prevention, waste reduction and recycling programs and educating all interested parties about the BAWSS program; using resources explained and/or provided through workshops and meetings.
- 6.6 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to, the following: through on-site visits and phone calls identify hazardous and non-hazardous materials purchased and/or being sent to landfills or other disposal sites by companies, and, encourage those companies to work with each other to transfer material.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. The Contractor is not responsible for nor should he or she become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor, working with the IWRC as appropriate, shall have each BAWSS representative strive to assist at least 10 companies with hazardous materials during the twenty-seven month program term and actively work to transfer those materials for appropriate reuse.
- 6.9 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.¹ (The Contractor's personal goal is to strive to divert waste from landfills at a diversion cost of \$20 per ton.)
- 6.10 The Contractor shall strive to have each BAWSS representative accomplish an average of 24 - 36 industry visits monthly during the term of this contract with an average of 21/2 days a week dedicated to on-site visits. Follow-up service must be provided as needed. The Contractor plans on making approximately 1000 follow-up calls annually. The Contractor shall strive to contact new companies every 15 to 30 days until the companies use the service or ask not to be contacted. The Contractor shall provide a BAWSS brochure to all known manufacturing companies in the region through on-site visits or by mailings.
- 6.11 A follow-up letter, fax or telephone call reporting meeting conclusions and providing resource opportunities for the company will be provided to the business no later than ten working days after the contact.
- 6.12 The Contractor shall track and document all work (see "Reports and Other Documentation" Article VIII.). The Contractor shall strive to provide 337 new materials

¹ This figure is calculated by dividing the total number of tons diverted into total grant dollars expended for the 27 month project.

to list, 187 materials transferred for reuse and recycling and 1,362 referrals made to identify potential markets.

- 6.13 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). The Contractor shall strive to identify 28 new markets during the term of this contract. Before referring generators of potentially hazardous materials to a market (e.g., drum reconditioners, waste recyclers, brokers, and other businesses who have never been researched by IWRC as to their waste handling procedures) the Contractor shall be required to contact the IWRC.
- 6.14 The Contractor shall have each BAWSS representative write three one page case studies which can be used to publicize BAWSS. Studies will be due on a timely basis with quarterly reports (listed in the milestone section). (See Attachment B for content requirements.)
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall strive to give BAWSS presentations and/or sponsor one full day and two half-day workshops during the program term, targeting business clubs and organizations, business committees, and other appropriate audiences with relationships to business and industry. The Contractor shall strive to have a one-day workshop in the Cedar Rapids region, and a two half-day workshop in the Marshalltown region or a one-half day workshop determined by business and industry needs.
- 6.16 The Contractor shall be required to meet with and educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for pollution prevention, waste reduction, reuse and recycling and assist them in understanding the goals and benefits-- both environmentally and economically of BAWSS including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The primary objective is to secure support for the waste exchange and identify industry needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.17 The Contractor shall work cooperatively with the Department, IWRC and all Contractors in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (the regional representative from the region funded through the grant) in the training workshops, meetings, and telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.18 During the contract term, the Contractor shall attend the Iowa Recycling Association (IRA) annual conference and at least one other IRA meeting or another state, regional or national conference approved by the DNR.

- 6.19 The Contractor shall provide training for other BAWSS representatives if requested and agreed upon by the Contractor and DNR.

ATTACHMENT A
KIRKWOOD COMMUNITY COLLEGE
BUDGET SHEET FOR APRIL 1, 1996 - June 30, 1998

Cost Description	Grant Funds	Matching Funds	Total Expenses
Personnel			
Salaries and Wages	\$86,013	\$27,540	\$113, 553
Benefits and Fringes	\$22,331	\$7,321	\$29,652
Travel			
In-state on-site visits	\$5,625	\$2,250	\$7,875
Quarterly meetings, conferences, training	\$4,275	\$2,250	\$6,525
Communication			
Long-distance Charges	\$1,125	\$1,476	\$2,601
Postage		\$3,375	\$3,375
Advertising		\$3,375	\$3,375
Professional Development			
Conferences	\$1,125	\$1,125	\$2,250
Subscriptions	\$450		\$450
Education/Training for Business	\$4,500	\$1,575	\$6,075
Office Supplies	\$556		\$556
Other			
Overhead		\$4,025	\$4,025
Indirect at 8%		<u>\$10,080</u>	<u>\$10,080</u>
TOTAL	\$126,000	\$64,392	\$190,392

Ms. Hay reviewed that the Commission had some questions last month about the amounts shown on the Kirkwood Community College project budget. She stated that in checking with Kirkwood they had provided some information with the wrong breakdown between salaries and benefits/fringes. She noted that the ratio of fringes to salary is now accurately reflected in the budget and is consistent with the other BAWSS contracts.

Motion was made by William Ehm to approve the By-Products and Waste Search Service Contract with Kirkwood Community College as presented. Seconded by Kathryn Draeger. Motion carried unanimously.

APPROVED AS PRESENTED

Terrance Townsend asked how much the department pays annually for the total of these grants.

Ms. Hay stated that most of the projects are funded on a two year basis and she will calculate the funding levels by year and provide the information to the Commission.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM CONTRACTS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Thirty-four (34) applications were submitted for consideration during the December 1995 round with a total request of over \$7 million. Thirteen (13) applications were selected for funding and a total award of \$2,105,425. Of the selected projects, nine (9) are to receive grant assistance, two (2) are to receive a zero interest loan, and two (2) a combination grant and zero interest loan.

The following provides additional information on three (3) projects addressing issues raised by the Commission at February's meeting.

Iowa State University - Agronomic Benefits of Water-Treatment Lime Sludge

While land application of water-treatment lime sludge has taken place for several decades, it has been done solely as a disposal method with little or no regard to the possible benefits of this by-product. This study will be Iowa's first demonstration project and determine, validate and promote the marketing of water-treatment lime sludge as a valuable material benefiting crops commonly grown in Iowa (corn, soy beans, and alfalfa). This three-year research project will identify and fill a void in documented literature on the effect of lime residual on crop growth and yield as well as the impact on soil pH and other soil nutrients under field and controlled greenhouse conditions. The study will also determine the agricultural and economic benefits of using water-treatment lime sludge as an alternative soil amendment to traditional alkaline stabilization products.

Approximately 500,000 dry tons of water-treatment lime sludge is generated annually in Iowa. The applicant conducted a survey of selected Iowa municipalities to determine, among other things, current disposal practices. Of the thirty-five (35) communities responding to the survey, five (5) communities currently landfill 100% of the lime sludge

annually, representing 25,000 dry tons of material. The remaining municipalities are land applying the sludge as a means of disposal and stockpiling the material for later disposal through land application and landfilling.

This research project will provide all Iowa communities and agricultural landowners with statistical documentation of the benefits water-treatment lime sludge has on crops and agricultural soils and that this material is a beneficial commodity, not a disposal problem. A highly visible field demonstration project is the best approach to increase public awareness and prevent landfill disposal of this beneficial by-product.

Fremont County Waste Systems - Iowa's First Weight-Based Collection System

The proposed project will provide the first and only weight-based fee structure for the collection of solid waste from residential generators in Iowa. WMAD records indicate that approximately 340 communities fall within the boundaries of solid waste planning areas that did not meet the 25% reduction goal. As a result, section 455D.4(c) of the Iowa Code, requires these communities to implement some form of unit-based fee system for the collection of solid waste. This project will provide timely and pertinent information to assist communities in selecting the type of unit-based program they will implement.

Several solid waste diversion benefits are anticipated by implementing this type of fee structure compared to the flat rate and volume-based systems currently used in Iowa and the rest of the country. The project will verify the following identified benefits.

1. A more precise, incremental measure of solid waste generation/reduction;
2. A solid waste generator is provided an economic incentive to reduce the amount of solid waste generated. This economic incentive is realized for every pound of solid waste reduced. In contrast, volume-based fee structures require a complete container reduction before an economic savings is realized.
3. A weight-based fee structure eliminates the problem of compaction associated with other types of volume-based systems. Compaction occurs when a generator packs as much solid waste into a container as possible in order to reduce the number of containers set-out for collection. Compaction is a problem for equipment and for the individual lifting the containers for collection.
4. Weight-based systems use the same pricing mechanism as for water, phone, gas, and electricity usage. The more solid waste set-out for collection the more you pay. This system is inherently the most fair pricing mechanism, is easily understood by customers, and is the same system used for assessing tipping fees at the landfill.
5. The project will result in a standard operating procedure and guide for others in Iowa implementing a weight-based system.

6. A weight-based system will assist planning areas in meeting the 25% and 50% reduction goals by providing each solid waste generator with an immediate economic incentive for each pound of reduction.

The project will also provide valuable information, transferable throughout the US, on the impact this type of collection process has on solid waste hauler's collection times. The project will also field test new technologies, the recently certified scale systems and the ability to retrofit existing collection vehicles with the scales. The project will also result in a guidebook for developing and implementing this type of system for use by other communities to assist in reaching the 25% and 50% reduction goals.

Attached for the Commission's information is a copy of the Pay-As-You-Waste: State of Iowa Implementation Guide for Unit-Based Pricing, manual prepared in 1995. The attached guide, presents the five major unit-based pricing options available to communities. The section entitled Design Options, found on pages 8 through 11 provides a paragraph narrative on each unit-based system. Tables I through V, found on pages 11 through 15, summarize the advantages and disadvantages of each unit-based pricing option and lists the communities in Iowa currently using each type of program.

Many of the advantages listed under the various pricing systems are inherent in a weight-based system. Table IV summarizes the advantages and disadvantages of weight-based systems. Since the time this manual was prepared, two of the listed disadvantages are no longer applicable. The need for special trucks is no longer a disadvantage as the technology to retrofit existing trucks with a scale system has been developed and scale systems for weighing solid waste containers have recently been certified, again nullifying this identified disadvantage. Both of these issues will be addressed through field testing these new technologies as part of this project.

The proposed project will provide communities with the technical information they need to adequately evaluate the weight-based system as well as the other unit-based pricing options available. This is of particular benefit to the 340 Iowa communities required to implement a unit-based system for failure to meet the 25% reduction goal.

Hy-Line International - Spent Fowl Recycling Into An Animal Feed Ingredient

The project proposes to research the feasibility and develop the technology for recycling spent hens and roosters into an animal feed component. In discussing the ability to implement the project without grant assistance, the company indicated that this type of capitol expenditure is typically planned years in advance and it would be at least 4 or 5 years before Hy-Line could consider implementing the project, thereby compounding the current disposal problem.

By rule, the project meets the criteria of being a grant eligible project. However, in making the recommendation for this project's selection and reviewing the individual budget line items, \$157,275 of the applicant's \$507,321 grant request is being offered as a zero interest

loan. This decision was based on previously funded projects and in offering other combination grant and loan awards.

Phase I of the applicant's project received a \$300,000 grant during the June 1994 round of funding. Phase I targeted the approximate 612 tons of hatchery waste (egg shells, infertile eggs, unhatched embryos, and off-line chicks) generated annually from the Dallas Center facility alone. An attempt was made to process spent fowl, at that time, but initial experiments indicated the spent fowl began to decompose extremely fast and odor problems occurred before all of the spent fowl could be processed. In addition, analysis of the feed additive indicated an undesirable change in the protein and calcium content of the finished product making it significantly less desirable. It became apparent that blending the processed spent fowl and hatchery wastes at varying rates was the only option. To successfully accomplish this, a method of processing, storage, and preservation of the processed spent fowl prior to blending with hatchery wastes is essential and the focus of this project.

The applicant has promoted the technology learned through the Phase I project to other Hy-Line International companies, competing Iowa poultry companies and internationally. Several tours have been provided of the facility and the company has displayed and presented the project at numerous industry related seminars and conferences. The poultry industry and the public have a very high awareness and interest in the proposed project due to the extensive awareness/educational efforts being made by Hy-Line. Existing interest and momentum may be lost with a delay in the Phase II project. This type of information and technology transfer is one of the cornerstones of the Landfill Alternatives Financial Assistance Program. What will be accomplished through the proposed project is readily transferable throughout the entire poultry industry.

The following is a brief description of each of the twelve projects for which contracts are attached:

Applicant	Bluestem Solid Waste Agency -- Liz Christiansen/Mike Berkshire -- 319-398-1278 P.O. Box 2068 Cedar Rapids, Iowa 52406	Local Government - Linn County
Award:	\$65,464 - Grant	
Project Type:	Education -- Waste Sort and Characterization Study	
Description:	A corrugated cardboard landfill ban will be implemented effective April 1, 1996 at the two landfills owned and operated by the applicant, one urban and the other rural. The project will provide a means of assessing the impact of the landfill ban through waste sort and characterization studies to be conducted prior to and four (4) months after the landfill ban is implemented. Results of the study will be presented and made available to all solid waste officials in the state to assist in landfill diversion program decision-making.	

The applicant has not received previous financial assistance through this program. However, the applicant agency was formed in 1994 and took over administration of a \$211,047 grant awarded to Linn County for establishing a recyclable materials transfer station during the December 1992 round.

Applicant:	Kirkwood Community College -- Barrie Swinbank -- 319-398-5609 6301 Kirkwood Blvd. SW P.O. Box 2068 Cedar Rapids, Iowa 52406	Local Government - Linn County
Request:	\$90,135 - Grant	
Project Type:	Education -- Composting Curriculum	
Description:	The applicant will develop a comprehensive educational curriculum that addresses composting of organics from municipal, residential, and agricultural sources. The project will result in three new course offerings including: a one semester credit course in on-farm composting for Agricultural Sciences students, a municipal composting component for the existing Landfill Operators course, and a continuing education course in backyard composting for homeowners. An on-site working laboratory will be constructed to provide hands-on experience in compost creation, management, maintenance, troubleshooting, testing, and land application.	
	The applicant has not received previous financial assistance through this program.	

Applicant:	Moulded Fibre Technology -- Kevin Donoghue -- 508-352-2200 172 East Main Street Georgetown, MA 01833	Private For Profit - Clinton County
Award:	\$350,000 - Grant	
Project Type:	Research & Development/Demonstration - Manufacturing Interior Molded Packaging From Old Newspaper	
Description:	The applicant is proposing to locate a new manufacturing plant in the City of Clinton to produce custom designed precision molded fiber packaging products made primarily from 100% recycled old newspaper (ONP). The facility will require over 1,000 tons of ONP annually and will serve as a significant market that is close to several eastern Iowa recycling centers. The applicant has existing plants in Maine and California and currently markets their products to such midwest customers as Apple Computer, Canon, US Robotics, and Motorola.	
	The applicant has not received previous financial assistance through this program.	

Applicant:	Hy-Line International --Gary Coleman -- 515-992-3736 P.O. Box 310 Dallas Center, Iowa 50063	Private For Profit -- Dallas County
Award:	\$507,321 - Total	\$350,046 - Grant \$157,275 - Loan
Project Type:	Research & Development/Demonstration - Recycling Spent Fowl Into Animal Feed	
Description:	<p>The proposed project expands the existing hatchery waste to livestock feed program to include spent hens and roosters. The applicant will develop and test the processing, fermenting and storage of processed spent fowl for metered blending with hatchery waste. This mixture would then be processed through the existing system into an animal feed component. The project targets an additional 600 tons of solid waste generated by the facility annually. Technology resulting from project is readily transferable throughout the entire poultry industry.</p> <p>The applicant received \$300,000 during the June 1994 round to implement the recycling of hatchery waste into a livestock feed ingredient. This Phase II project will research the feasibility and develop the technology of recycling spent fowl.</p>	

Applicant:	Adair County Sanitary Landfill Commission -- Dennis Reha -- 515-743-8343 1645 Hwy. 25 Menlo, Iowa 50164-8023	Local Government -- Adair County
Request:	\$ 186,065 - Loan	
Project Type:	Recycling - Facility Construction and Equipping	
Description:	<p>The applicant will construct and equip a building for minimally processing recyclables collected from the Adair County Sanitary Landfill Planning Area. Currently all materials are transported loose resulting in excessive costs due to materials storage and transportation inefficiencies. All materials, with exception of glass, will be baled awaiting transportation of full semi loads. With the project in place, the applicant will be able to process greater quantities of recyclables, reduce transportation costs and actively promote implementing curbside recycling.</p> <p>The applicant has not received previous financial assistance through this program.</p>	

Applicant:	Iowa State University -- Dr. Bruce Kjartanson -- 515-294-3925 Department of Civil Engineering 213 Beardshear Ames, Iowa 50011	Local Government -- Story County
Request:	\$ 150,946 - Grant	
Project Type:	Research & Development/Demonstration - Use of Waste Tires In Engineered	

Drainage Structures

Description: The applicant will establish engineering and construction guidelines for drainage structures (i.e., french drains and culverts) composed of whole and larger-sized shredded tires. Specific research goals include: characterize and quantify erosion resistance, permeability and consolidation response of large sized tire shreds; determine the engineering behavior of whole tires as buried drainage conduits, quantify the performance and establish guidelines for the construction of drainage structures composed of shredded and whole tires. Potential benefactors of this research project include farmers, construction contractors, consulting engineers and government agencies. Previous studies across the US have been limited to the use of tire shreds of two inch or smaller tire chips for construction projects. The project will fill this void.

Iowa State University received a \$33,400 grant through its Building and Grounds Department during the June 1991 round to collect and compost yard waste generated on campus. The Department of Civil Engineering has not received previous financial assistance.

Applicant: BioFuels Corporation -- Warren Dunham/Jeff Carter -- 515-964-6791
2010 South Ankeny Blvd.
Ankeny, Iowa 50021 Private For Profit -- Polk County

Request: \$ 60,981 - Grant

Project Type: Research & Development/Demonstration - Manufacture of Fuel Cubes With Paper Mill Sludge and Sawdust

Description: The applicant will expand the manufacture of Fuelett's™, an alternative fuel cube made of non-recyclable paper and co-fired with coal, by adding two new waste streams, paper mill sludge and waste wood. Due to the variable moisture content of the mill sludge and the various sized pieces of wood, a method to preprocess and meter this material into the manufacturing process at a rate that, when blended with non-recyclable paper, will result in acceptable fuel cubes. The targeted mill sludge, generated by Cedar River Paper Company, has no viable alternative use, 60 to 80 tons is being landfilled per day, and the current plant expansion will more than double the sludge generated. The applicant currently markets fuel cubes to Ag Processing, Inc. located in Eagle Grove and is involved with stack testing at John Deere Waterloo Works. The University of Iowa has expressed interest in stack testing once their new boiler system is in place.

The applicant received a \$72,152 grant during the June 1991 round to develop the initial alternative fuel cube manufacturing process. This project will expand the types of non-recyclable material accepted and divert a significant solid waste stream from the landfill.

Applicant:	Tasler, Inc. -- Ron Jones -- 515-832-5200 P.O. Box 622 Webster City, Iowa 50595	Private For Profit -- Hamilton County
Request:	\$ 312,750 -- Loan	
Project Type:	Recycling - Used Pallet Recycling	
Description:	The proposed project will expand the broken pallet division of the existing pallet manufacturing facility. Broken pallets will be refurbished and marketed with unusable wood ground and burned to generate heat for the facility during the winter months and marketed for animal bedding year around. Approximately 650,000 used pallets generated across the state and surrounding states will be recycled annually.	
	The applicant has not received previous financial assistance through this program.	

Applicant:	Fremont County Waste Systems -- Mike Haun -- 712-382-1322 1207 Adams P.O. Box 13 Hamburg, Iowa 51640		Private For Profit -- Fremont County
Request:	\$169,800 - Total	\$132,000 - Grant	\$37,800 - Loan
Project Type:	Research & Development/Demonstration - Implement Iowa's First Weight-Based Solid Waste Collection System		
Description:	The applicant will implement the first residential weight-based solid waste collection program in the state. This project will provide solid waste officials with quantifiable impacts on solid waste diversion, test newly available technology (scale system), determine and evaluate costs of a weight-based system, produce an implementation guide for Iowa communities interested in implementing weight-based collection programs including billing and weight-based ordinances, and will demonstrate an innovative approach to reducing waste.		
	The applicant has not received previous financial assistance through this program.		

Applicant:	Iowa Department of General Services -- Tim Ryburn -- 515-281-3137 1305 East Walnut Des Moines, Iowa 50319		Local Government -- Polk County
Request:	\$ 101,923 - Grant		
Project Type:	Waste Reduction - Replacing Paper Towels with Electric Hand Dryers		
Description:	The waste reduction project involves purchasing and installing electric hand dryers in the rest rooms of 13 buildings on the Capitol Complex. The project		

will eliminate paper towel waste which constitutes approximately 50% of the paper waste currently landfilled and an annual cost of approximately \$14,000 in paper towel purchases and disposal expenses.

The applicant has not received previous financial assistance through this program.

Applicant:	Iowa Department of General Services -- Tim Ryburn -- 515-281-3137 1305 East Walnut Des Moines, Iowa 50319	Local Government -- Polk County
Request:	\$ 47,000 - Grant	
Project Type:	Education - Capitol Complex Recycling Coordinator	
Description:	The project involves first year funding for a full time Recycling Coordinator position. This person will be responsible for coordinating implementation of recycling and pollution prevention initiatives, develop new and oversee existing Capitol Complex recycling programs, organizing building recycling coordinators, developing and implementing employee education and awareness programs across the Capitol Complex, and provide technical outreach to other state facilities such as state hospitals, institutions, and office buildings.	
	The applicant has not received previous financial assistance through this program.	

Applicant:	Iowa State University -- Stan Henning -- 515-294-7846 Department of Agronomy 3208 Agronomy Ames, Iowa 50011	Local Government -- Story County
Request:	\$ 57,025 - Grant	
Project Type:	Local Government -- Black Hawk County	
Description:	The proposed project will determine the agronomic benefits of water-treatment lime sludge residual on plant growth and crop yield by applying lime sludge as a soil amendment to field crops commonly grown in Iowa (i.e., corn, soy beans and alfalfa). The agricultural and economic benefits of using lime sludge as a soil amendment in place of traditional alkaline stabilization products will also be identified. Current disposal methods of lime sludge is landfilling and land application. The project will result in changes in the public's attitudes toward lime sludge from a disposal issue to that of a valuable and beneficial by-product.	
	Iowa State University received a \$33,400 grant through its Building and Grounds Department during the June 1991 round to collect and compost yard waste generated on campus. The Department of Agronomy has not received previous financial assistance.	

At this time, twelve (12) contracts in excess of \$25,000 are presented to the Commission for approval.

(Copies of each contract and the Pay-As-You-Throw: State of Iowa Implementation Guide for Unit-Based Pricing are on file in the department's Records Center)

Ms. Hay stated that there are individuals present who wish to address specific grant contracts.

Chairperson King asked if the Commission would prefer to vote on each individual contract or approve them collectively. Consensus of the Commission was to take action on each contract separately.

Bluestem Solid Waste Agency

Ms. Hay provided details of the contract. She explained that the project would benefit not only the immediate area because the information that comes out of the study will be put into a larger economic study on market development.

Terrance Townsend commented that it is not necessary to have a study of this type when there is currently a market for cardboard at \$25/ton.

Chairperson King asked if landfills have a good knowledge of what is going into the landfill.

Ms. Hay responded that they have no way of knowing unless they have a detailed study such as this.

Kathryn Draeger commented that Linn County has received more grant assistance money than any other county but they are also meeting their waste reduction goals.

Motion was made by Gary Priebe to approve the LAFA grant for Bluestem Solid Waste Agency with the understanding that the study be made available to anyone who might want to review it. Seconded by Kathryn Draeger.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Mohr, Priebe, Britt, Draeger, Ehm, and King. "Nay" vote was cast by Commissioner Townsend. Motion carried on a vote of 6-Aye to 1-Nay.

APPROVED AS PRESENTED

Kirkwood Community College

Ms. Hay reviewed details of the project noting that it will have long range effects. She related that composting will be one of the most significant activities in the coming years as local governments try to meet their 50% waste reduction/recycling goal.

Motion was made by William Ehm to approve the Kirkwood Community College grant for Education - Composting Curriculum. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

Moulded Fibre Technology

Ms. Hay explained that this project will have a significant market impact in Iowa. She related that this project is very high tech and there is nothing like it in Iowa.

Discussion took place regarding the packaging product going back into the recycling stream and the impact on the recycled newspaper market.

Motion was made by Charlotte Mohr to approve the LAFA grant for Moulded Fibre Technology. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

Public Participation

Chairperson King announced Public Participation at 10:30 a.m.; no requested to speak.

Hy-Line International

Appointment - Tom Lohr

Tom Lohr, Hy-Line Production Manager, introduced his Recycling Plant Manager, Gary Pullman. He noted that he sent a letter to each Commissioner addressing the concerns the Commission had at last month's meeting. He distributed copies of a Hy-Line publication providing information about their company. He gave an overview of the company and their production rate, products, technology and operations. Mr. Lohr pointed out that the company relieves the landfill of over 650 tons of waste annually. He related that five years ago there was a market for spent waste but today one has to pay to dispose of it. He added that the process the company has developed is a very needed technology.

Verlon Britt asked how the odor situation is being handled.

Mr. Lohr stated that fermentation is a big step in odor control. He expanded on the fermentation process the company uses.

Kathryn Draeger expressed concern that the state is carrying the entire burden for private enterprise on this project.

Mr. Lohr indicated that even with the state grant the company will be using over \$300,000 of their own money and he expanded on the project costs. He related that if the company has to go with a loan the whole project will be put on the back burner. He indicated that a two year cycle is needed to get a decent return on the investment.

Motion was made by Verlon Britt to approve the \$350,046 grant and \$157,275 loan for Hy-Line International. Seconded by William Ehm.

Kathryn Draeger suggested possibly giving them one-half of the amount as a grant and the other half as a loan.

Ms. Hay stressed that the primary pupose of the LAFA program is to promote innovative technology, particularly that which is transferrable. She related that the state carrying the burden of the risk is what this program has done throughout it's history. Ms. Hay noted that the LAFA program is to approve projects that are risky or have no other means of funding. She clarified that the ratio of the grant/loan split for this project was based on what had previously been done with other projects.

Discussion followed in regard to making the technology and knowledge gained through this project available to others. Mr. Lohr indicated that the company will not be selling the technology but will be promoting it to industry for their use.

William Ehm stated that his concern at last month's meeting was that he was not sure this project fits the definition of a landfill alternative. He added that recognizing their need for assistance and that it is a great technology, he is willing to overlook his concern and go with the project.

Vote on Commissioner Britt's motion to approve the grant/loan for Hy-Line International carried unanimously.

APPROVED AS PRESENTED

Adair County Sanitary Landfill Commission

Ms. Hay stated that this request is for a loan to construct a basic recyclables processing facility. She expanded on details of the project.

Motion was made by Terrance Townsend to approve the loan for Adair County Sanitaty Landfill Commission in the amount of \$186,065. Seconded by Kathryn Draeger. Motion carried unanimously.

APPROVED AS PRESENTED

Iowa State University - Dr. Bruce Kjartanson

Ms. Hay reviewed the proposed project dealing with research and development/demonstration using waste tires in engineered drainage structures.

Kathryn Draeger commented that the department, in an upcoming contested case, indicated that it is pulling back from a wholehearted endorsement of burial uses of tires and tire chips to a recommendation that they not be used below the water table because of evidence of leaching. She related that the department used this in a contested case and is now proposing a grant project without any water quality monitoring. She questioned not having a water quality component in this project since the department is using that issue in a contested case.

Ms. Hay stated that she is not aware of any details in that regard but it could be added to the contract.

Terrance Townsend stated that since the water quality component is a concern of the state he would agree that it should be added to the contract. Kathryn Draeger concurred.

Kathryn Draeger asked if the Minnesota studies that have been done on this issue are the basis of, or are recognized in this project.

Ms. Hay stated that she does not recall the specifics of what was included in this project but it is something that can be looked at.

Motion was made by William Ehm to approve the grant for Iowa State University with the water quality issue added and with review of the Minnesota tests. Seconded by Gary Priebe. Motion carried unanimously.

Chairperson King asked for a status report on the project when it is available.

APPROVED WITH ADDED ISSUES

BioFuels Corporation

Ms. Hay explained details of the project.

Brief discussion followed regarding fuel cubes as a viable source of energy and nonrecyclable paper products.

Motion was made by Gary Priebe to approve the grant for BioFuels Corporation. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

Tasler, Inc.

Ms. Hay stated that this project involves the expansion of the facility's broken pallet division and expanded on details of the project.

Brief discussion took place in regard to storage of broken pallets.

Motion was made by Charlotte Mohr to approve the loan to Tasler, Inc. in the amount of \$312,750. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

Fremont County Waste Systems

Ms. Hay stated that the Commission was sent a copy of the "Pay As You Waste" guide developed by the department. She noted that the department has put a lot of time and money into encouraging a weight based program. Ms. Hay pointed out that the law stated if an entity failed to achieve the 25% waste reduction goal by 1994 they had to do a variety of things, including the adoption of an ordinance for unit based pricing in their communities. She related that the weight based pricing system is the only one not currently used in the state.

Appointment - Mike Haun

Mike Haun, owner of Fremont County Waste Systems, spoke about the flat fee and unit based fee systems and explained the difference in those fee structures. He noted that with unit based pricing, the weight of containers can be extremely different and it does not provide rate equity for residential customers. By comparison, with the weight based system everyone gets the same size can and is a more rate equitable method. He related that it encourages recycling and less waste disposal. He noted that he has support from the mayors and community leaders for this project.

Chairperson King asked what area the project will cover.

Mr. Haun indicated that it will cover the towns of Hamburg, Sidney, Farragut, and Riverton.

Motion was made by Verlon Britt to approve the grant and loan for Fremont County Waste Systems. Seconded by Kathryn Draeger.

Terrance Townsend stated that the weight based system has been tried in Seattle and Minneapolis and has been around for several years, adding that unit based pricing does work.

He noted that in Newton it is estimated they have about 94% recycling and currently use the unit based system.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Mohr, Priebe, Britt, Draeger, and King. "Nay" vote was cast by Commissioners Townsend and Ehm. Motion carried on a vote of 5-Aye to 2-Nay.

APPROVED AS PRESENTED

Iowa Department of General Services - Waste Reduction

Ms. Hay stated that this waste reduction project involves replacing paper towels with hand dryers for the entire Capitol complex.

Kathryn Draeger asked about the overall savings on this in regard to net energy savings gain or loss and costs involved.

Ms. Hay responded that energy savings were not discussed in the grant proposal.

The Commission indicated that they would like to see what the cost savings and energy savings would be for this project.

Motion was made by Gary Priebe to approve the grant for the Iowa Department of General Services Waste Reduction Project. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

Iowa Department of General Services - Recycling Coordinator

Ms. Hay reviewed details of this project involving an education grant for a Capitol Complex Recycling Coordinator.

Motion was made by William Ehm to approve the grant for the Iowa Department of General Capitol Complex Recycling Coordinator. Seconded by Verlon Britt.

Kathryn Draeger asked if this position is considered a one year position.

Ms. Hay stated that it is one year in terms of funding from this grant but General Services intends to carry the position after that.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Britt, Draeger, Ehm, Mohr, and King. "Nay" vote was cast by Commissioner Townsend. Motion carried on a vote of 6-Aye to 1-Nay.

APPROVED AS PRESENTED

Iowa State University - Stan Henning

Ms. Hay reviewed details of the contract dealing with benefits of lime sludge residual on crop yields. She noted that Stan Henning is present to address the Commission on this project.

Appointment - Stan Henning

Stan Henning, ISU Dept. of Agronomy, explained details of the project noting that they would like to use the materials in a demonstration project using a site the City of Des Moines has. He related that it would be applicable statewide to any municipality producing a lime sludge from their treatment of potable water. He noted that a demonstration project is needed to show that this material is useful and to show the methods of how it is actually used.

Discussion followed regarding the quality of lime sludge and applying it to the land.

<i>Motion was made by Charlotte Mohr to approve the grant for the University of Iowa Department of Agronomy lime sludge treatment project. Seconded by Terrance Townsend. Motion carried unanimously.</i>

APPROVED AS PRESENTED

WASTE REDUCTION RECYCLING GOAL STATUS AND LOCATION OF LAFA RECIPIENTS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Attached for the Commission's information is a listing of all of the planning areas in the state and their current status toward the state waste reduction and recycling goals. To date, thirty of the forty-four planning areas in the state have met or exceeded the 1994 goal of 25% reduction of the amount of waste going to the landfill.

This information is also presented in a map showing what portions of the state are encompassed by planning areas that have made the 25% goal and the location of all recipients of Landfill Alternatives financial assistance. (A complete listing of all LAFA recipients is also available) Another map shows the configuration of the 44 planning areas of the state.

Ms. Hay reviewed the list of planning areas in the state, their current goal status, and date of waste abatement tables received from each area. She noted that there are 44 planning areas in the state and 30 have attained the waste reduction goals; 14 have not attained those goals. She

discussed the maps showing the planning regions, location of goal progress, and location of financial assistance recipients.

INFORMATIONAL ONLY

COMMISSIONER RESIGNATION - MIKE FESLER

Prior to recessing for lunch Director Wilson announced that Michael Fesler has resigned from the Commission as he is going to run for the Senate.

Director Wilson reported that the UST/TAC Committee is meeting elsewhere in the building today and one of their representatives will give the Commission an update later in the meeting.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 17 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
March 1, 1996

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20,22,23, and 29 - AQ Rules Update & Waiver of Title V Applicability for Small Sources - MACT	12/18/95	1/17/96	2/05/96	2/19/96	3/18/96	*3/18/96	*4/10/96	*5/15/96	*5/22/96
2. Ch. 20, 22 - Potential to Emit for Grain Elevators and Emergency Generators	*4/15/96	*5/08/96	*5/13/96	*5/ /96	*6/17/96	*6/17/96	*7/17/96	*8/05/96	*8/21/96
3. Ch. 22 - Background Values for PM-10 AMENDED NOTICE	6/19/95 6/19/95	7/19/95 8/16/95	8/14/95 9/05/95	10/18/95	NOTICE *4/15/96	AMENDED *4/15/96	*5/08/96	*5/13/96	*6/12/96
4. Ch. 22 - New Source Review - Non-Attainment Areas	10/16/95	11/08/95	12/13/95	12/08/95	1/16/96	1/16/96	2/14/96	3/11/96	*3/20/96
5. Ch. 22 - AQ Construction Permit Exemptions	10/16/95	EMERGENCY 11/08/95	12/13/95	12/08/95	10/16/95 1/16/96	10/16/95 1/16/96	11/08/95 2/14/96	12/13/95 3/11/96	10/20/95 *3/20/96
6. Ch. 22 - Title V Fee Payment	10/16/95	11/08/95	12/13/95	12/11/95	1/16/96	1/16/96	2/14/96	3/11/96	*3/20/96
7. Ch. 22 - Deferral of Title V Fee Payment	2/19/96	3/13/96	*4/10/96	*4/15/96	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96
8. Ch. 30 - Rescind Temporary Air Toxic Fees	ADOPTED	WITHOUT	NOTICE		1/16/96	1/16/96	2/14/96	3/11/96	*3/20/96
9. Ch. 61 - WQ Standards - Nationwide Permits	11/20/95	12/20/95	1/03/96	-----	2/19/96	2/19/96	3/13/96	*4/10/96	*4/17/96
10. Ch. 61 - WQ Standards - Stream Use Designations	2/19/96	3/13/96	*4/10/96	*4/02/96 *4/03/96	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96
11. Ch. 65 - Animal Feeding Operations	10/16/95	11/08/95	12/13/95	12/4-5/95 12/7/95 12/12/95 12/14/95	1/16/96	1/16/96	2/14/96	3/11/96	*3/20/96
12. Ch. 65 - Animal Feeding Operations	1/16/96	2/14/96	3/11/96	3/05/96 3/06/96	*4/15/96	*4/15/96	*5/08/96	*5/13/96	*6/12/96
13. Ch. 83 - Laboratory Certification	10/16/95	11/08/95	12/13/95	12/14/95	3/18/96	*3/18/96	*4/10/96	*5/13/96	*5/15/96
14. Ch. 103 - Sanitary Landfill Liners	*4/15/96	*5/08/96	*5/13/96	*5/ /96	*6/17/96	*6/17/96	*7/17/96	*8/05/96	*8/21/96
15. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	10/16/95	11/08/95	12/13/95	12/01/95 12/04/95 12/06/95 12/08/95 12/11/95 12/13/95	*4/15/96	*4/15/96	*5/08/96	*5/13/96	*6/12/96
16. Ch. 134 - Groundwater Professional Certification	12/18/95	1/17/96	2/12/96	2/06/96 2/07/96 2/08/96	*4/15/96	*4/15/96	*5/08/96	*5/13/96	*6/12/96
17. Ch. 146 - Household Hazardous Materials Program	2/19/96	3/13/96	*4/10/96	*4/05/96	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96

Monthly Variance Report						
Feb. 1996						
Item No	Facility	Program	Engineer	Subject	Decision	Date
1	Holnam, Inc.-Mason City	Air Quality		Permit Requirements	Approved	02/28/96
2	Montgomery County Secondary Roads Department	Air Quality	Montgomery County Engineer	Structures	Denied	02/15/96
3	Clarion, City of	Wastewater Construction	Yaggy Colby Associates	Sewer Grade	Approved	02/19/96
4	Corydon, City of	Wastewater Construction	Garden & Associates	Sewer Grade	Approved	02/21/96
5	Sully, City of	Wastewater Construction	Shive-Hattery Engineers & Architects, Inc.	Bar Racks	Approved	02/09/96
6	Westend Apartments-Boone County	Wastewater Construction	Fox Engineering	Site Separation	Approved	02/21/96
7	Woodbine, City of	Wastewater Construction	CSD Engineering	Organic Loading-Lagoons	Approved	02/22/96
8	Bloody Run Creek Bridge-Clayton County	Flood Plain	IIW Engineers & Surveyors	Percent Length Reduction	Approved	02/22/96
9	Willow Creek-Cerro Gordo County	Flood Plain	Cerro Gordo County Engineer	Backwater	Approved	02/27/96
10	Cedar Rapids Lime Sludge Landfill	Solid Waste	Midwest Environmental Consulting	Cover	Approved	02/08/96
11	Sandbar Beach Resort-Dickinson County	Watersupply Construction	John Franklin Engineering	Construction Materials	Approved	02/13/96

Report of Hazardous Conditions

During the period February 1, 1996, through February 29, 1996, 55 reports of hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
02/07/96 Jasper	Approximately 300 gallons of bleach was spilled when a valve broke on a tank. The material spilled on a driveway and inside a building. No impacts to surface waters occurred.	Maytag Corporation 1 Dependability Square Newton, IA	The material was vacuumed up and placed in drums for reuse.
02/07/96 Winneshiek	Icicles fell off of a roof and broke a nipple on an aboveground storage tank. 500 pounds of anhydrous ammonia was released to the atmosphere. Employees were evacuated from the plant until the vapors dissipated.	Camcar Textron 302 Kerr Drive Decorah, IA	The local fire department responded and capped off the leak. The tank was then repaired.

Substance					Mode					
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	64(51)	37(38)	9(3)	18(10)	21(32)	0(0)	35(16)	3(0)	1(0)	4(2)
November	52(54)	34(24)	7(7)	11(23)	25(29)	4(0)	21(22)	1(3)	0(0)	1(0)
December	56(52)	30(27)	11(2)	15(23)	28(38)	2(1)	21(12)	2(0)	1(0)	2(1)
January	42(48)	18(29)	10(7)	14(12)	24(31)	0(0)	13(14)	1(1)	0(1)	4(1)
February	55(48)	36(29)	11(12)	37(31)	1(0)	1(0)	12(14)	2(1)	1(1)	2(1)
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '95)

1	2	3	4	5	6
9	5	5	4	22	10

UNDERGROUND STORAGE TANKS

During the period of February 1, 1996 through February 29, 1996, the following number of releases from underground storage tanks were identified.

20(16)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1995.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of February 1, 1996 through February 29, 1996, the following number of LUST cleanups were completed:

5(1038)

The number in parentheses represents the total number of LUST cleanups through February 29, 1996.

NUMBER OF LOW RISK SITES APPROVED

During the period of February 1, 1996 through February 29, 1996, the following number of low risk sites were approved:

13(974)

The number in parentheses represents the total number of low risk LUST sites through February 29, 1996.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Marlin Brenneman, Iowa Co. (6)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	2/05/96
C & C, Ltd. d/b/a Country View Mobile Home Park, Denison (4)	Drinking Water	Monitoring/Reporting - Lead & Copper	Order/Penalty \$475	2/05/96
Eastern Iowa Tire Recycling, Muscatine (6)	Solid Waste Wastewater	Permit Conditions; Stormwater Discharge	Order/Penalty \$2,500	2/05/96
Lamoni, City of (5)	Wastewater	Discharge Limits	Order/Penalty \$1,000	2/08/96
Dallas County Care Facility, Adel (5)	Wastewater	Discharge Limits; Operational Violations; Certified Operator	Order/Penalty \$2,500	2/08/96
Brian McKernan d/b/a Hickory Grove Mobile Home Park, Story Co. (5)	Wastewater	Discharge Limits; Monitoring/Reporting	Order/Penalty \$1,000	2/08/96

Laurel, City of (5)	Wastewater	Discharge Limits; Compliance Schedule	Order	2/09/96
Mount Joy Mobile Home Park, Davenport (6)	Wastewater	Discharge Limits; Operational Violations; Certified Operator	Order/Penalty \$2,000	2/21/96
Marshalltown, City of (5)	Wastewater	Discharge Limits	Order/Penalty \$1,000	2/21/96
Nora Springs, City of (2)	Wastewater	Discharge Limits	Order	2/21/96
Claude Dickey, Muscatine (6)	Wastewater	Prohibited Discharge	Order/Penalty \$2,000	2/21/96
Louisa-Muscatine Community School, Letts (6)	Drinking Water	MCL-Bacteria; Monitoring-Other Inorganics; Public Notice	Order/Penalty \$500	2/21/96
David Kramer, Camanche (6)	Underground Tank	Closure Investigation	Order/Penalty \$600	2/26/96
Barrington Lakes Water Commission, Dubuque (1)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Meadow View Country Club, Central City (5)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Deer Ridge Estates 30, Otumwa (6)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Ainsworth Water Works (6)	Drinking Water	Operation Permit Violations	Order/Penalty \$150	2/27/96
Cedar River Trailer Park, Letts (6)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Hide-A-Way Manor, Cedar Rapids (1)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Long Branch Tavern, Monmouth (1)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Obie's Hurstville Tap, Inc., Maquoketa (1)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Amber, City of (1)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Lanesboro, City of (4)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Davenport Travel Plaza, Walcott (6)	Drinking Water	Operation Permit Violations	Order/Penalty \$250	2/27/96
Oakland Mills Store, Mt. Pleasant (6)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Fernald Water System, Nevada (5)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Midway Water and Lighting Co., Marion (1)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Extreme Food & Spirits, Ltd., Dewar (1)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Oakwood Park Water Assn., Clear Lake (2)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Apostolic Christian Church of Oakville (6)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
3 Amigos, West Burlington (6)	Drinking Water	Operation Permit Violations	Order/Penalty \$100	2/27/96
Sportsmen's Club (Rossville) Waukon (1)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
Hofers Danceland Ballroom, Walford (1)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
Little Rock, City of (3)	Drinking Water	Operation Permit Violation	Order/Penalty \$150	2/27/96
The Kalona Golf Club, Kalona (6)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
Alexander Water Dept., Belmond (2)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96

Cheryl's, Hopkinton (1)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
Corner Tap, Dundee (1)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
Latimer, City of (2)	Drinking Water	Operation Permit Violation	Order/Penalty \$150	2/27/96
Olsen's Water System, Blairsburg (2)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
McClelland Bar & Grill, Council Bluffs (4)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
Bellevue Golf Club, Inc., Bellevue (1)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96
Searsbor, City of (5)	Drinking Water	Operation Permit Violation	Order/Penalty \$100	2/27/96

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Kinseth Hotel Corp.; Best Western Westfield (Coralville)	WS	500	7-01-95
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	3,000	7-04-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
Nishna Valley Community School (Hastings)	WS	1,000	8-05-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk County)	SW	3,000	9-12-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Waterloo Community School District (Waterloo)	AQ	10,000	1-29-96
Site Services, Ltd. (Waterloo)	AQ	5,000	1-29-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Steven Mullane d/b/a S & S Landscaping (Madison Co.)	AQ/SW	2,000	2-14-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96

*Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	1,250	3-02-96
*Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	1,250	3-02-96
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
*Curry Environmental Services, Inc. (Marion)	AQ	5,000	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Dallas County Care Facility (Adel)	WW	2,500	4-10-96
#Marlin Brennehan (Iowa Co.)	WW	3,000	4-11-96
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Lamoni, City of	WW	1,000	4-15-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Marshalltown, City of	WW	1,000	-----
Mount Joy Mobile Home Park (Davenport)	WW	2,000	-----
David Kramer (Camanche)	UT	600	-----
Louisa-Muscatine Community School (Letts)	WS	500	-----
Bellevue Golf Club, Inc. (Bellevue)	WS	100	-----
Searsboro, City of	WS	100	-----
McClelland Bar & Grill (Council Bluffs)	WS	100	-----
Latimer, City of	WS	150	-----
Cheryl's (Hopkinton)	WS	100	-----
Corner Tap (Dundee)	WS	100	-----
Alexander Water Dept. (Belmond)	WS	100	-----
The Kalona Golf Club (Kalona)	WS	100	-----
Hofer's Danceland Ballroom (Walford)	WS	100	-----
Sportsmen's Club (Waukon)	WS	100	-----
3 Amigos (West Burlington)	WS	100	-----
Apostolic Christian Church of Oakville (Oakville)	WS	100	-----
Oakwood Park Water Assn. (Clear Lake)	WS	100	-----
Extreme Food & Spirits (Dewar)	WS	100	-----
Midway Water & Lighting Co., Inc. (Marion)	WS	100	-----
Fernald Water System (Nevada)	WS	100	-----
Oakland Mills Store (Mt. Pleasant)	WS	100	-----
Davenport Travel Plaza (Walcott)	WS	250	-----
Lanesboro, City of	WS	100	-----
Amber Water Supply (Anamosa)	WS	100	-----
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100	-----
Long Branch Tavern (Monmouth)	WS	100	-----
Hide-A-Way Manor (Cedar Rapids)	WS	100	-----
Cedar River Trailer Park (Letts)	WS	100	-----
Ainsworth, City of	WS	150	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Meadow View Country Club (Central City)	WS	100	-----
Barrington Lakes Water Commission (Dubuque)	WS	100	-----
TOTAL		145,550	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Economy Solar Corp. (Monticello)	AQ	5,000	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
TOTAL		45,556	

*Payment Schedule

#Animal Feeding Operation

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherzman, Inc. (Farley)	UT	1,160
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Riverside Plating Company (Shell Rock)	WW	1,500
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service(Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J & R Mini Mart(Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000

Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
# Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
Perry, City of	WW	10,000
Bacon Addition (Monticello)	WS	375
Dan Schwitters; Schwitters Enterprises (Cedar Rapids)	UT	600
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Bormann (Preston)	UT	2,000
Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.)	HC/WW	10,000
Marvin Rozenboom (Mahaska Co.)	SW	3,000
Cumberland Ridge First Addition (North Liberty)	WS	550
Doolittle Oil Company, Inc. (Webster City)	UT	6,500
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk County)	SW	3,000
Allison-Bristow Community School District (Allison)	AQ	5,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
Colwell, City of	WS	200
DBM, Inc. (Cedar Falls)	AQ	10,000
Jerry McElmeel d/b/a McElmeel & Sons Const. (Monticello)	AQ	5,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Central Community School District (DeWitt)	AQ	5,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Larson Cont. Inc. (Winnebago Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	10,000
# Gary Watson (Cerro Gordo Co.)	WW	2,500
Clay Contractors, Inc. (Spencer)	AQ	3,000
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000
Roy Burger (Gillette Grove)	UT	5,400
Ben Dawson (Appanoose Co.)	AQ/SW	5,000
Marvin Wernimont; Filter Friend Recycling (Buena Vista)	AQ/SW	2,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Massena, City of	WW	1,200
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
All-States Quality Foods (Charles City)	WW	5,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Ben Haven Mobile Home Park (Quasqueton)	WS	500
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Eastern Iowa Tire Recycling, Inc. (Muscatine)	SW/WW	2,500
TOTAL		525,701

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
#*Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	1,250
#*Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	1,250
# SNB Farms, Inc. (Hamilton Co.)	WW	2,000
# Harold Lee (Keokuk Co.)	WW	1,650
Sioux City, City of	AQ	1,750
# Tracy Below (Hardin Co.)	WW	200
Denmark Municipal Water Supply (Denmark)	WS	300
Bossom's Quasky Mart (Quasqueton)	WS	50
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600
# Claude Dickey (Muscatine)	WW	2,000
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
# Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	2,000
North Coralville Lake Manor (Solon)	WS	100
TOTAL		15,150

The \$1,000 penalty assessed to Grand Laboratories, Inc. (Larchwood) has been rescinded.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 1, 1996

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 3/26/96
American Asbestos Training Center, Ltd. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 4/30/96
DeCoster, A.J. Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	7/17/95 1/23/96
Dunkel, Paul L. Delaware Co. (1)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed 6/19/95 2/16/96
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96
Economy Solar Corp. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 4/30/96
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 3/26/96
Economy Solar Corp./ Central Community School D&Witt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil)	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/30/95

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 1, 1996

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
ESCORP/Cryotech Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	12/18/95
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Klocke, Paul and Mary Kay Carroll (4)	Flood Plain	Unauthorized Construction	Order	Referred	10/16/95
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	10/16/95
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Plantation Village MHP Burlington (6)	Wastewater	Monitoring/Reporting	Order/Penalty	Referred	10/16/95
Rayburn Court for Mobile Homes Mason City (2)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed	11/21/94 5/02/95
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$1,000/Civil; \$600/ Admin. & Injunction)	4/18/94 7/25/94 5/16/95 2/05/96
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids	Air Quality	Asbestos	Order/Penalty	Referred	5/15/95
Waterloo Community School District Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 4/30/96
Wunschel Oil Co.; Vernus, Jaquelllyn & Mark Wunschel Ida Grove (3)	Tank	Underground Site Assessment	Order/Penalty	Referred	1/17/95

Environmental Protection Commission Minutes

March 1996

 DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 March 1, 1996

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Kennedy	Consent order signed. Awaiting appeal dismissal. Letter regarding dismissal - 12/2/95.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	EPD considering public hearings.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status - 2/96.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR. SCR completed - payment dispute with consultant. Settlement meeting scheduled - 3/96.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Amended order issued 1/11/96
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued. Clean-up continuing.(11/95)
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Low risk monitoring site.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	County to include closing in FY 1997 budget. Letter regarding budget sent 12/19/95.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to reply by 3/1/96.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Awaiting results of F.O. 5 site inspection.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter to be sent - 3/96.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing continued. Clean-up progressing. Next action - 5/10/96.
11-13-92	Tracy Below	Administrative Order	WW	Clark	2/15/96 - Settled.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Settled 12/18/95. Additional monitoring well installed 12/95. Additional monitoring initiated. Settled.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	FO 5 to meet with Company 2/26/96 regarding land application.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Withdrawal of order under consideration.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion. with EPD staff - 2/96.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Clean-up completed. Penalty settlement due 2/29/96.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	DNR engineers meeting with company.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing set for 4/08/96.
7/06/93 7/28/93	Dennis E. Good Berniece K. Neese	Administrative Order	UT	Wornson	1/25/96-Letter to parties regarding new UST Fund Innocent Owner Fund and requesting settlement conference.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution - 3/96.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	SCRs on the site and several others underway. Settlement with City of Sioux City.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Penalty paid 2/22/96. Settled.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Survey completed. Meeting to discuss survey 9/11/94. Under review by EPD

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Permit granted. Awaiting attorney response.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Review appeal with EPD and FO - 2/96.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	SCR accepted. Penalty letter sent 6/14/95. No response received.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Satisfactory clean-up complete. Sent to DIA 2/16/96.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating penalty. Settlement close.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	SCR received 1/18/96 - under review. Penalty settlement pending.
1/18/94	M & O Tire Processing, Inc.	Administrative Order	SW	Kennedy	Clean-up progressing. Penalty settlement pending.
1/18/94	Herrill, City of	Administrative Order	AQ	Preziosi	Awaiting documentation and penalty payment.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Letter to company regarding appeal-3/96.
2/09/94	Harold Lee	Administrative Order	WW	Clark	2/15/96 - Settled.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Judicial review decision received in favor of DNR. No further appeal filed.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty. Contact company regarding settlement - 3/96.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	SCR received. Negotiating penalty.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Letter to be sent regarding appeal - 3/96.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Karne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received. Settlement meeting 2/5/95. DNR response due.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Untimely appeal. No closure as of 2/96.
5/27/94	Joseph L. Ranker; Daryl Hollingsworth	Administrative Order	UT	Wornson	Insurance to qualify for remedial benefits unpaid. Issued second Admin. Order for failure to register.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued for new facility. Construction of SBR units completed - working well. 1/8/96 letter from City requesting order be closed. 2/96 - Dept. response.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	SCR accepted 1/26/96. Negotiating penalty.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 3/96.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	SCR approved 2/1/96. Follow-up letter-4/96.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy. 1/96 - Working on fire lanes.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	Appeal untimely. Follow-up letter - 2/96.

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DEPARTMENT OF NATURAL RESOURCES
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CONTESTED CASES
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Action Commission Minutes

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/15/94	Village Oaks Homeowners	Administrative Order	US	Hansen	US to review file for compliance. 2/96 - in compliance and eligible for reduced monitoring.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Appeal settled. Revised permit accepted by appellants. Sent to EPA for review 12/95. EPA response approving permit received. Permit issued 2/96.
7/27/94	Twin View Heights 5282301	Administrative Order	US	Hansen	7/26/95 facility in compliance. Dept. offer to reduce penalty. 2/96 - Letter to facility to resolve appeal. 8/14/95 - Closed.
8/12/94	Karl and Ithelm Boylen d/b/a Boylen's Service	Administrative Order	UT	Wornson	Inability to pay - failed to return required documentation. Follow-up letter 2/96.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD. Contact EPD and FO regarding appeal resolution - 2/96.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Permit issued. Awaiting attorney response.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Compliance initiated. FO assistance for facility's compliance - 2/96.
9/06/94	HEW, Inc.	Administrative Order	AQ	Preziosi	3/1/96 amended order to be issued.
9/09/94	American Coals Corp.	Administrative Order	SU/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding reorganization 1/23/96.
9/15/94	Bankston	Administrative Order	US	Hansen	1/95-Information from City. Compliance initiated. Respond to City regarding settlement - 3/96.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SU/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Settlement offer made 1/23/96. Reply due 2/15/96.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report - 3/96.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	3/96 - Settlement close.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Inability to pay documented. Review for USI Fund Innocent Owner or LUST Trust Fund.
10/25/94	Hike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Consent order being finalized.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
10/27/94	Chuck Vinder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Penalty paid 2/22/96. Settled.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	SCR received - negotiating penalty.
10/31/94	Owens & Owens Realty, Inc. Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Proposed decision 10/5/95. Appealed 11/3/95. EPC confirmed 2/19/96.
11/02/94	Richard Vaughn	Administrative Order	UT	Wornson	Site check received - negotiating penalty.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Proposed decision 12/07/95. No appeal. Petition for judicial review 1/22/96.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/14/94	Tom Sabinet d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Inability to pay - request documentation.

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Environmental Protection Commission Minutes
 DEPARTMENT OF NATURAL RESOURCES
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Referral to USF Fund. Follow-up - 3/96.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - Construction approved by WS section for chlorination equipment. 1/17/96 letter to City regarding resolution of appeal. No response as of 2/28/96. Follow-up letter 3/96.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Settlement offer made. Reply due 2/15/96.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent. No response. Follow-up - 3/96.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2/23/95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Appellant requests informal settlement proceeding. Schedule meeting - 3/96.
2/27/95	Sole-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	American Coals Corp.	Administrative Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96 regarding reorganization.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	Negotiating before filing.
4/19/95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
4/21/95	Randy Ballard	Administrative Order	FP	Clark	Hearing set for 3/8/96.
4/26/95	Larry Royer	Administrative Order	WW	Clark	Settlement letter - 1/10/96.
4/28/95	Perry, City of	Administrative Order	WW	Hansen	Settlement close.
5/03/95	Bacon Addition Homeowners Assn.	Administrative Order	WS	Clark	Settlement contact 1/10/96.
5/04/95	M & W Mobile Home Park	Administrative Order	WW	Kennedy	Letter requesting construction schedule - 12/95. Response unsatisfactory. Hearing to be scheduled.
5/05/95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/23/95	Leonard Bormann	Administrative Order	UT	Wornson	SCR received 10/26/95. Free product report overdue. Follow-up - 3/96.
5/25/95	Ferris Sullivan d/b/a Sullivan's Sinclair	Administrative Order	UT	Wornson	Revised SCR received - negotiating penalty.
5/25/95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Administrative Order	HC/WW	Kennedy	Hearing set for 5/10/96. Cleanup continuing.
5/25/95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5/30/95	Marvin Rozenboom	Administrative Order	SW	Kennedy	Penalty paid. Settled.
5/30/95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/30/95	Earth Media Technologies	Administrative Order	SW	Kennedy	In the process of clean-up.
5/31/95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6/06/95	Doolittle Oil Co., Inc.	Administrative Order	UT	Wornson	Settlement meeting 1/96. DNR response due.
6/07/95	Cumberland Ridge Homeowners	Administrative Order	WS	Kennedy	Awaiting penalty payment - due 3/1/96.
6/09/95	Don Peterson d/b/a Peterson Backhoe	Administrative Order	AQ	Preziosi	Settlement close.
6/14/95	Salsbury Chemicals	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits to be completed 2/96. Response letter - 3/96.

E96Mar-49

March 1996

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March 1, 1996

Commission Minutes

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6/16/95	Allison-Bristow Community School	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Allison Fire Department; City of Allison	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/16/95	Pilot Oil Corporation	Administrative Order	WW/UT	Murphy	Negotiating before filing.
6/20/95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6/23/95	Leonard C. Page	Administrative Order	SV	Kennedy	Penalty settlement due 2/15/96.
6/29/95	White Oaks Homeowners Assn.	Administrative Order	WS	Hansen	Informal meeting set for 3/8/96.
7/05/95	Boyer Valley Co.	Administrative Order	WW	Hansen	Informntionnl meeting to be scheduled 3/96.
7/10/95	Donald Krieger	Administrative Order	UT	Wornson	Tanks removed. Report due.
7/10/95	Gilbert Persinger	Administrative Order	UT	Wornson	SCR received - rejected. Review progress 4/96.
7/13/95	Organic Technologies Corp.	Administrative Order	SW	Kennedy	Hearing set for 3/7/96.
7/28/95	Harold J. Knott; James C. Knott	Administrative Order	UT	Wornson	Negotiating before filing.
8/01/95	Wilbur McNear d/b/a McNear Oil Co.	Administrative Order	UT	Wornson	SCR not received as of 2/29/96.
8/18/95	Holiday Mobile Lodge, Inc.	Administrative Order	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8/18/95	Redmond Enterprises, Inc.	Administrative Order	UT	Wornson	Compliance initiated.
8/22/95	Grand Laboratories, Inc.	Permit Conditions	WS	Hansen	Settled.
8/24/95	Shell Rock Products, Inc.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
8/29/95	Iowa City, City of	Administrative Order	WW	Hansen	Hearing set for 3/27/96. Settlement negotiations in progress.
8/31/95	Bosson's Quasky Mart	Administrative Order	WS	Hansen	Penalty paid. Settled.
9/06/95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Informal meeting held 10/10/95. Information to be submitted by Kraft to WS section. Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information.
9/12/95	Colwell, City of	Administrative Order	WS	Hansen	12/21/95 letter to City requiring 2nd round monitoring/reporting prior to penalty reduction discussions.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Administrative Order	WW/HC	Murphy	Negotiating before filing.
10/03/95	Jerry McElmeel d/b/a McElmeel & Sons Const.	Administrative Order	AQ	Preziosi	Settlement closed.
10/09/95	E.L. Incorporated	Administrative Order	SV	Kennedy	Appellant no longer accepting waste. Renewal permit may be requested.
10/17/95	Tri-County Bank	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/17/95	Weber Construction, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/20/95	Central Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
11/01/95	Silver Steel Corp.	Permit Denial	AQ	Preziosi	Settled.
11/02/95	Salsbury Chemicals, Inc.	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits to be completed 2/96.
11/03/95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Administrative Order	AQ	Preziosi	Negotiating before filing.
11/14/95	Larson Contracting, Inc.	Administrative Order	AQ/SW	Kennedy	Awaiting penalty payment.
11/14/95	Mike Barker	GW Professional Denial	UT	Wornson	Settlement negotiations underway.
12/01/95	Clay Contractors, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
12/12/95	Vernon Kinsinger K & K Sanitation	Administrative Order	AQ/SW	Kennedy	Informal meeting to be held after 3/12/96.

E96M

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March 1, 1996

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
12/13/95	Roy Burger	Administrative Order	UT	Wornson	Compliance complete - negotiating penalty.
12/18/95	Omega Cabinets	Permit Denial	AQ	Preziosi	Negotiating before filing.
12/22/95	Curry Environmental Services 95-AQ-43	Administrative Order	AQ	Preziosi	Settled.
12/27/95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12/28/95	Marvin Wernimont Filter Friend Recycling	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12/29/95	Spencer Memorial Hospital	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/04/96	Catherine E. Meredith	Administrative Order	UT	Wornson	Current owner to complete SCR.
1/04/96	Massena, City of	Administrative Order	WW	Clark	Negotiating before filing.
1/08/96	Westside Park for Mobile Homes	Administrative Order	WW	Hansen	Past due monthly monitoring reports submitted to F.O.6.
1/11/96	Climax Molybdenum Company	Administrative Order	AQ/HC	Preziosi	Negotiating before filing.
1/12/96	Clarence, City of	Administrative Order	WW	Hansen	1/96 - Facility inspected by F.O. 6. Negotiating before filing.
1/17/96	All-States Quality Foods, L.P.	Administrative Order	WW	Murphy	Negotiating before filing.
1/18/96	Neola Light & Water	Administrative Order	WS	Hansen	Informal meeting set for 3/4/96.
1/19/96	Bill Shirbroun d/b/a Was Broken Pallet	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/22/96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Administrative Order	UT	Wornson	Negotiating before filing.
1/24/96	Jolly Roger Campground	Administrative Order	WW	Clark	Negotiating before filing.
1/25/96	Hidden Valley MHP	Administrative Order	WW	Clark	Negotiating before filing.
1/25/96	Markley Knock d/b/a Knock's Building Supply	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/30/96	Dean Williams d/b/a Williams Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing..
1/31/96	Ben Haven Mobile Home Court	Administrative Order	WS	Hansen	2/14/96-Letter to facility regarding status of appeal. As-built construction permit application under review.
2/06/96	Russell Stagg	Administrative Order	AQ/SW	Kennedy	New case.
2/12/96	Solid Waste Management Commission of Marshall County	Tonnage Fees	SW	Murphy	New case.
2/13/96	Eastern Iowa Tire Recycling	Administrative Order	WW/SW	Kennedy	New case.
2/20/96	Center Point	Permit Conditions	WW	Hansen	New case. 2/96 - Settlement offer and revised permit sent.

Mr. Stokes presented the routine monthly reports.

Brief discussion followed regarding the Eastern Iowa Tire Recycling case.

INFORMATIONAL ONLY

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested of a \$63,268 contract with Iowa State University Extension Service to support an agribusiness dealer training-demonstration program in northwest Iowa. The contract is for the first year of a multi-year project and will use EPA Section 319 nonpoint pollution control funds awarded the Department for this project.

The NW Iowa Agribusiness ICM Project is intended to make the delivery of intensive, unbiased integrated crop management (ICM) services by agribusiness a reality. The project will assist cooperatives and independent dealers in a nine county area of northwest Iowa in developing the capacity to deliver reliable, profitable ICM assistance services to their customers. Project goals include assisting 50% of the northwest Iowa dealers in implementing fee-based ICM services, implementing ICM on 25% of the row crop acres in the targeted area, and reducing fertilizer and pesticide use by 20% or more. Major project activities include developing a guidance document for water quality resource assessment; conducting a training program with workshops; conducting tours and field laboratory sessions; and providing project information, education and business management materials, soil surveys, and soil survey analysis reports.

Contract funds will be used to hire expert crop consultants as needed and to support the information and education components of the project. Funds from other sources will be used to support other project components.

Mr. Stokes briefly reviewed the project contract.

<i>Motion was made by Gary Priebe to approve the Section 319 Nonpoint Source Pollution Control Project Contract with ISU Extension in the amount of \$63,268. Seconded by Verlon Britt. Motion carried unanimously.</i>

APPROVED AS PRESENTED

TITLE V AIR QUALITY BUDGET AND FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has been provided information on budget performance to date for the air quality program. They have also been provided information forecasting budgetary needs for state fiscal year 1997 and corresponding air quality operating permit fees which would be needed to generate revenues to support the program. The Commission will be asked to approve an operating permit fee amount for fiscal year 1997 at this meeting.

1997 Air Quality Budget - Draft

	SFY 95 Actual	SFY 96 Budget	SFY 96 Anticipated	SFY 97 Budget	notes
<u>Air Quality Cost Center</u>					
Personnel	809,956	871,374	880,263	890,339	¹
Travel in state	2,518	5,000	4,100	4,500	
Travel out of state	7,382	17,000	17,000	45,000	
Univ. of Iowa Hygienic Lab. Agmt	181,321	282,000	219,830	233,912	
Office supplies	5,246	3,669	6,000	6,000	
Facility maintenance	681	1,000	500	770	
Equipment maintenance	1,905	4,000	2,000	2,400	
Other supplies	3,265	11,517	11,517	5,184	
Printing and binding	11,296	20,000	15,000	20,441	
Communications	22,347	25,000	25,000	27,000	
Rentals	439	0	100	0	
Utilities	5,668	8,500	8,500	5,044	
Professional services	50,298	35,000	35,000	12,000	
Outside services	30,301	32,146	32,146	36,200	
Advertisement in publications	561	2,000	3,500	326	
Data processing	5,852	12,000	6,000	12,000	
Reimbursement to other agencies	3,711	8,000	4,000	4,000	
Indirect charges	106,914	107,179	108,272	109,512	
	1,249,661	1,445,385	1,378,728	1,414,628	

	SFY 95 Actual	SFY 96 Budget	SFY 96 Anticipated	SFY 97 Budget	notes
<u>Air Quality Field Cost Center</u>					
Personnel	258,366	319,828	319,828	426,345	²
Travel in state	1,345	2,000	2,000	12,000	
Travel out of state	780	1,500	1,500	15,000	
3 new vehicles	0	0	0	48,000	
Office supplies	1,069	1,000	1,000	2,400	
Printing and binding	88	500	500	500	
Uniforms	0	1,000	1,000	1,000	

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Communications	9,045	10,000	10,000	12,000
Rentals	10	0	0	0
Outside services	435	0	0	0
Data processing	9,157	5,000	5,000	10,000
Reimbursement to other agencies	1,675	500	500	3,200
Computer purchase	19,502	13,030	13,030	96,000
Equipment	400	46,970	46,970	14,100
Indirect charges	34,104	39,339	39,339	52,440
	335,976	440,667	440,667	692,985

1997 Air Quality Budget - Draft

	SFY 95 Actual	SFY 96 Budget	SFY 96 Anticipated	SFY 97 Budget	notes
<u>Air Toxics Cost Center</u>					
Personnel	293,447	1,043,088	1,018,663	1,326,653	³
Travel in state	3,298	28,000	4,800	7,000	
Travel out of state	16,956	56,250	42,000	87,500	
Office supplies	21,784	35,648	25,000	55,000	
Facility maintenance supplies	1,161	1,700	70,000	1,800	
Equipment maintenance	442	2,000	2,000	2,200	
Other supplies	5,526	3,000	3,000	2,200	
Printing and binding	16,422	21,000	21,000	65,000	
Uniforms	92	2,000	2,000	2,000	
Communications	14,898	20,000	20,000	48,000	
Utilities	421	1,311	1,311	2,400	
Outside services	6,658	5,000	5,000	6,100	
Advertisement in publications	652	5,000	5,000	2,200	
Data processing	1,563	16,000	5,000	20,000	
Reimbursement to other agencies	3,803	8,000	4,500	6,200	
Equipment	167,592	25,000	25,000	160,000	
Univ. of Iowa Hygienic Lab (Stack Testing)	0	210,000	210,000	212,560	
Contract for 3-day PSD course	0	0	0	25,000	
Polk County local program agreement	290,640	387,520	387,520	465,320	
Linn County local program agreement	46,646	168,500	168,500	222,000	
UNI small business assistance agr	184,899	310,000	310,000	310,000	
State Ombudsman agreement	55,875	74,500	84,500	74,500	
Contracts for Permit Reviews	60,000	1,200,000	330,000	515,000	
Interagency Agr with Prison Industries	0	180,000	288,600	96,600	
Data Management System Contract	0	1,000,000	1,250,270	296,800	
EDI Contract	0	0	0	291,000	
Computer purchase	72,765	86,450	86,450	112,000	
FAX Back Information transfer	0	0	0	12,000	
GPS - GIS base & 2 field units	0	0	0	27,850	
Office equipment & furniture	24,030	52,911	52,911	20,055	
Air monitoring equipment	113,098	200,000	60,000	90,000	

River Hills & other Rental	13,926	29,000	29,000	0
Other expenses	6,566	5,570	5,570	6,000
Special Relocation Expenses	0	0	2,500	0
Rental	0	0	72,360	108,000
Facility Preparation	0	0	61,600	0
Furniture & cubicles	0	0	135,984	0
Indirect charges	38,735	128,300	125,296	163,178
	1,461,895	5,305,748	4,915,335	4,842,116

1997 Air Quality Budget - Draft

	SFY 95 Actual	SFY 96 Budget	SFY 96 Anticipated	SFY 97 Budget	notes
<u>REVENUES</u>					
Balance Forward	362,110	3,845,148	3,845,148	819,790	
Title V fees *	5,657,404	4,838,400	2,780,081	5,109,600	
Fund interest	82,841		117,635	200,000	Estimate
Federal 105 air grant	911,931	821,056	821,056	821,056	Estimate
Total Revenues	7,014,286	9,504,604	7,563,920	6,950,446	
<u>EXPENDITURES</u>					
Air quality cost center	1,249,661	1,445,385	1,378,728	1,414,628	
Air quality field cost center	335,976	440,667	440,667	692,985	
Air toxics cost center	1,461,895	5,305,748	4,915,335	4,842,116	
State share special purch air monit. eq	121,606	9,400	9,400	0	
Total Expenditures	3,169,138	7,201,200	6,744,130	6,949,729	
Balance to Forward to next year	3,845,148	2,303,404	819,790	717	

¹ Staffing Air Quality Cost Center

1996: 1 Clerk, 1 DE, 1 PSE, 1 EPS, 7 ES, 7 EE (18)

1997: 1 Clerk, 1 DE, 1 PSE, 1 EPS, 7 ES, 7 EE (18)

² Staffing Field Office Cost Center

1996: 0.25 PSE, 0.25 PP, 6 ES (6.5)

1997: 0.25 PSE, 0.25 PP, 9 ES (9.5)

³ Staffing Air Toxics Cost Center

1996: 1 EPS, 1 Attny, 1 AA, 15 ES, 7 EE, 1 Sr Sys Anal, 1 Sr Sys Prg, 1 DPS (28)

1997: 2 EPS, 2 Attny, 1 AA, 20 ES, 7 EE, 1 Sr Sys Anal, 1 Sr Sys Prg, 1 DPS (35)

* 1995 budget based on total tonnage of 227,118

1996 budget based on total tonnage of 201,600

Actual 1996 tonnage est to date @212900, Fee @ \$12/ton

1997 budget tonnage est @212900 @

\$24/ton

Mr. Stokes explained the attached air quality budget and noted that staff are asking for the Commission's preliminary approval of the budget. He reviewed that staff are not asking for a dollar-per-ton fee at this time. He noted that the department asked for general funds appropriations for the air quality program in their budget request, and the legislature that has not yet acted on the department's appropriations bill. He related that there is a bill that might provide some money from the Hazardous Waste Remedial Fund. He added that if that revenue stream comes in it would impact on what would have to be derived from external sources, principally the dollar-per-ton fee.

Discussion followed regarding the per-ton fee and carry over costs to the next fiscal year; the number of FTE's hired for the program; increased costs in contracts for permit review; task force on permit issuance; task force on air dispersion modeling; and the process/steps used in issuing a permit.

Motion was made by Verlon Britt to approve the preliminary budget as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

OPERATION FEES FOR WATER SUPPLY PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Iowa City requested the Department of Natural Resources review the rules setting the operation fees for the Water Supply Program. In its request, Iowa City points out that the present way of setting fees may be unfair for cities like Iowa City where the "population served" includes people served by another water supply. In the case of Iowa City, the U.S. Census, the document used to determine population served, includes people living at the University. These people are not served by Iowa City but are provided water by the University public water supply. The University is assessed a fee based on their number of connections.

The present rules define "Population served" as the total number of persons served by a public water supply that provides water for human consumption. For municipalities, "population" is defined as the last official U.S. census population (or officially amended census population). For all other community public water supply systems population is defined as either the actual population counted, which count is verifiable by the department, or as the population calculated by multiplying the number of service connections by an occupancy factor of 2.5 persons per service connection. For nontransient noncommunity (NTNC) and transient noncommunity (TNC) systems, population is defined as the average number of daily employees plus the average number of other persons served such as customers or visitors during the peak month of the year,

regardless if each person actually uses the water for human consumption. Where a system provides water to another public water supply system (a consecutive public water supply system) which is required to have an operation permit, the population of the recipient water supply shall not be counted as a part of the population of the water system providing the water.

The EPC will be presented alternatives for discussion as to how they would like to handle Iowa City's request. .

Water Supply Program Operation Fee Alternatives for Double Accounting

Legislation adopted in 1994 allowed the DNR to keep the money from operation fees in order to improve the Water Supply Program. Initially DNR set the fees to reflect the "cost of services" provided to water supplies. The "cost of services" approach required small water supplies, about 95 percent of the water supplies in Iowa, to pay about 80% of the fees. This approach was not well received and the legislation was changed in 1995. The 1995 legislation set a minimum fee of \$25, indicated that fees were to be established on a per capita basis and set a target of \$350,000 to be collected.

Under the 1995 legislation the DNR calculated fees by identifying all of the transient noncommunity water supplies and a fee of \$25 for each of them was subtracted from \$350,000. Non-community and community water supplies serving less than 178 people were identified and a fee of \$25 for each was subtracted. For the remaining balance, a "population served" was calculated following the approved definition. The remaining balance was divided by the population served to come up a per capita fee of \$ 0.14. Therefore, the fees are \$25 for all transient noncommunity water supplies, \$25 for nontransient noncommunity and community water supplies serving 178 people or less and $\$0.14 \times \text{population served}$ for the NTNCWS and CWS serving more than 178 people.

ALTERNATIVE 1. NO CHANGE

The definition of population served was highlighted at hearings held on the rules in both 1994 and 1995. No comments were made that the definition needed to be changed. The DNR provided information at all hearings and at other meetings that explained how the fees were to be calculated.

The impact of this alternative is that some cities will continue to believe that double accounting is occurring and will continue to press for changes. Operation fees will continue to be based on \$0.14 per person.

ALTERNATIVE 2. CHANGE THE RULES TO REMOVE THE "DOUBLE ACCOUNTING."

The definition of population served would be changed to indicate that public water supplies could have their population served, as calculated by the U.S. Census, reduced by an amount equal to the population served by another water supply.

The impact of this change will mean that other public water supplies will have higher per capita fee. The higher fee is a result of a reduction in the total population served. Presently, DNR is

aware of three water supplies that have complained about the way the fees are calculated. This may mean that the per capita fee increase will be small.

ALTERNATIVE 3. HANDLE THE CHANGE ADMINISTRATIVELY.

The "double accounting" concerns could be handled administratively if so directed by the EPC. The EPC could direct the DNR staff to modify the fees to eliminate the concern expressed by Iowa City and to utilize the provision in the rules that allow the EPC to adjust the per capita operation fees to achieve the target amount. The EPC, after public notice and hearing, can adjust the operation fee by \$0.02, up or down, to meet the target amount. The EPC could decide that the "double accounting" should be taken into account when setting the per capita fees for SFY1997 using the process described in the agenda item brief. The change in the per capita fee would be discussed at the public hearing and public water supplies affected by the proposed change would have the opportunity to comment.

The impact of this is that cities affected by the "double accounting" will have an opportunity to comment along with other public water supplies. No rulemaking would be required.

Mr. Stokes explained how varying fees are charged by individual water supplies. He discussed concerns expressed by the City of Iowa City that they are paying for individuals they do not serve. He added that similar concerns were expressed by Mt. Pleasant. He discussed the three alternatives for addressing the issue.

Discussion followed regarding the amount being charged to Iowa City for the University of Iowa and how each of the three alternatives would affect them.

Mr. Stokes stated that it is more of an equity issue with Iowa City and some of the other cities.

William Ehm stated many of the larger cities were upset with the way the fees were set to begin with because they thought it was inequitable.

Mr. Stokes asked for direction from the Commission as to which alternative to take.

Consensus of the Commission was to go with Alternative #3.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 103, SANITARY LANDFILL LINERS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is being provided the attached proposed rule amendment for information only at this meeting. This amendment will require the installation of liners and caps on municipal solid waste landfills that are equivalent to the requirements of the federal EPA Subtitle D

regulations. The proposed amendment will satisfy the requirements in order for the state of Iowa to become an approved state under the federal Resource Conservation and Recovery Act (RCRA) Subtitle D program (40CFR257 & 258 Solid Waste Disposal Facility Criteria).

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes explained the federal standards dealing with landfills. He noted that the state does not get federal grant dollars for this program, but the real impact is if the landfill is not permitted and licensed under the federal scheme or under a fully approved state program as approved by EPA, the landfill is opened up to a greater possibility of citizen suit by third parties. He reviewed the history of the state program. He noted that these rules would adopt federal requirements into state rules and EPA has indicated the rules would be acceptable to them.

Terrance Townsend asked if the alternate liner system would require both state and federal approval.

Mr. Stokes stated that the state would run the program but EPA will conduct periodic audits on it.

INFORMATIONAL ONLY

CONTESTED CASE APPEAL--DODGER ENTERPRISES AND DON GRELL

Vic Kennedy, Compliance and Enforcement Bureau, presented the following item.

On July 31, 1995, the department issued Administrative Order 95-SW-21 to Dodger Enterprise Co., Tire Chop Division, and Donald E. Grell. That action required the recipients to cease deposition of tires except as specifically authorized by permit or in writing. That action was appealed by the recipients, and the matter proceeded to administrative hearing on November 14, December 8, and December 20, 1995. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on February 5, 1996. The decision affirmed the issuance of the Order.

Dodger Enterprises and Don Grell have appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Kennedy reviewed that on July 31, 1996, the department issued an Administrative Order to Dodger Enterprises and Don Grell requiring him to stop burying tires in the ground until he had

received written permission from the department. He noted that Mr. Grell filed a Notice of Appeal and a hearing was set. In the interim, Mr. Grell filed necessary documents with the department and, on August 14, approval was given for the burying of the tires in such a way as to form a culvert on Mr. Grell's premises in Ft. Dodge. Mr. Kennedy indicated that at that time the AO had been complied with but Mr. Grell continued with the appeal so as to test the department's decision in regard to obtaining permission to bury tires in the ground for other than disposal purposes.

Appointment - Ernie Kersten

Ernie Kersten, representing Dodger Enterprises and Don Grell, stated that Mr. Grell built a drainage system of whole tires which acted as a substitute for conventional clay pipe, concrete pipe, or steel pipe. He noted that Clay Swanson visited the site in mid-June and did not tell Mr. Grell to stop construction of the drainage system, but on July 12 Mr. Swanson phoned Mr. Grell, on advice of Mike Murphy, and advised him to stop. He related that on July 13, Larry Wilson came out to Dodger Enterprises and did not tell Mr. Grell to stop the construction. Mr. Kersten noted that he met with Mr. Wilson and Don Paulin, on July 19, and asked if they wanted Mr. Grell to stop the work. He related that Mr. Wilson indicated he would check with Allan Stokes and get back to him with an answer. Mr. Kersten discussed the department's claim of jurisdiction over the construction activities. He indicated that the AO was issued on July 31 to disqualify Mr. Grell from eligibility for a LAFA grant. He stated that Mr. Paulin sent Mr. Grell a letter in December 1994 saying any use of shredded material on private property did not violate any regulation of the department. Mr. Kersten related that the memo is not in DNR's files and staff cannot explain where it went. He stated that Mr. Grell is trying to comply with the department regulations but the department cannot point to a code provision or any regulation that says he had to seek permission before engaging in the applications on his own property. Mr. Kersten noted that the department is saying that the ALJ ruling gives them the right to deny Mr. Grell the right to market the shredded material, sheared material, rings and tubs. He asked the Commission to agree with him that what Mr. Grell was doing was legitimate and not a disposal of solid waste. He further asked the Commission to refuse to adopt the ruling of the ALJ.

Mr. Kennedy called attention to pages 11-13 of the ALJ decision, which indicates that DNR had the legal authority to require the applicants to seek prior written approval before constructing a project using waste tires involving placing tires in the ground. He noted that the court indicates that the DNR is willing to examine individual projects and determine, prior to construction, whether they are in fact of beneficial use. Mr. Kennedy expanded on details of this issue and covered the consequences of not seeking prior approval. He related that the department is concerned about situations where an individual could determine putting in many of these drainage ditches as a subterfuge for illegal burial. He noted that Dodger Enterprises wants to be able to do anything they choose without seeking prior approval, and as the court recognized it is not a viable alternative in this case. He stressed that burying tires in the ground is prohibited by statute. Mr. Kennedy urged the Commission to affirm the ALJ decision.

Charlotte Mohr asked if the tires were actually buried in the ground.

Mr. Kennedy stated that the tires were buried in a trench and lined up much like a roll of Life Savers. Tires chips and dirt was then placed around and on top of the tires.

Terrance Townsend asked if there is a section in the rules that states an individual cannot use tires like this, on their own property, for a project of this sort.

Mr. Kennedy stated that it depends on what will be done with the tires and that a person could get department approval for this type of drainage system. He added that the rules do spell out that department approval is needed. He noted that, by statute, the department has been given the duty to decide what is a beneficial use, not individuals located all over the state.

Motion was made by Verlon Britt to affirm the decision of the Administrative Law Judge. Seconded by William Ehm.

William Ehm commented that this is a tough issue. He added that here is a person with a beneficial use whereby a good product should and could be made out of this waste, but some kind of coordination is needed to help it move in some progressive fashion. He related that without coordination and oversight, tire piles will build with beneficial uses planned but will never come to pass. He added that the department has to have authorization to look over these projects and supervise them in some sort of orderly fashion.

Verlon Britt agreed with Commissioner Ehm adding that it is a method of establishing a uniform procedure on creating new uses.

Chairperson King agreed that there needs to be some oversight and given the fact the legislature is dealing with the waste tire issue, she hopes they will be able to work out a definition of the beneficial use so the public will know what uses are approved by the department.

Discussion followed regarding the use of tires that are lashed together and used for bank stabilization.

Mr. Kersten stated that the Commission needs to base their decision on what the statute says in 455D.11, not on what it ought to say. He discussed what is meant by the word "disposal" in accordance with that statute.

Mr. Kennedy stated that 455D.11 is a statute that states a person cannot bury waste tires unless they have been processed or application is made to the department for approval of the project.

Vote on Commissioner Britt's motion to uphold the ALJ decision carried unanimously.

ALJ DECISION UPHELD

UNDERGROUND STORAGE TANK - TECHNICAL ADVISORY COMMITTEE (UST-TAC) REPORT

Ron Marr and Dave Koch, members of the UST-TAC Committee presented an update on the status of RBCA rules development. Mr. Koch reported that the rules have been taken out to public comment and the committee is working very hard on the rules and the comments received. He noted that the committee decided they will not be able to bring the rules to the Commission before June 1. He related that by then the technical issues and the Tier I & Tier II issues will have been addressed by the committee. Mr. Marr discussed problems the committee has run into and noted that they want to provide rules that are good and solid.

Director Wilson indicated that the UST-TAC committee had set an earlier date to bring the rules to the Commission but they will not be able to do that now. He noted that there is a lot of talent on that committee who are working very hard on the rules, and if 2-3 more months are needed to get the best set of rules they can, it is worth the the extra wait.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 20 AND 22, POTENTIAL TO EMIT FOR GRAIN ELEVATORS AND EMERGENCY GENERATORS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft Notice of Intended Action which proposes to amend Chapter 20, "Scope of Title - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution, 567 Iowa Administrative Code.

The purpose of this rule is to amend the definition of "potential to emit" pertaining to construction permits and Title V operating permits, as the term specifically applies to country grain elevators and emergency generators. "Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for country grain elevators and emergency generators.

Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation. However, unique inherent physical limitations and operational design features restrict the potential emissions of country grain elevators and emergency generators. If these limitations are not taken into account, potential emissions for these sources could be overestimated. Country grain elevators and emergency generators to which the amended definitions apply may not need a Title V operating permit and may not need to pay the Title V fee.

This draft notice is included in the agenda for the Commission's information.

(A copy of the proposed rules is on file in the department's Records Center)

Mr. Stokes reviewed the rules in detail.

Verlon Britt asked if grain elevators are the only ones affected by these rules.

Mr. Stokes stated that emergency standby generators are also included.

INFORMATIONAL ONLY

FINAL RULE--CHAPTERS 20, 22, 23 & 29, OPERATING PERMIT BY RULE FOR SMALL SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached rules for final adoption. These rules would establish a "permit by rule" for stationary air emission sources with actual emissions of less than 50% of the threshold for determination of a major stationary air source.

ENVIRONMENTAL PROTECTION COMMISSION [567] Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 29 "Qualification in Visual Determination of the Opacity of Emissions," 567 Iowa Administrative Code.

Item 1 updates the adoption by reference date for the definition of volatile organic compounds (VOC) and thereby exempts acetone from the list of VOC.

Item 2 clarifies that the department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any source which is being exempted from the air quality construction permit requirement. Presently, air quality construction permits may only be issued when the director concludes that the expected emissions from sources will not prevent the attainment or maintenance of the ambient air quality standards.

Item 3 corrects rule references within the permit by rule for spray booths.

Item 4 corrects an internal rule reference to sources which are exempt from the requirement to obtain a Title V operating permit is corrected.

Item 5 makes changes to 567--22.200-207 to incorporate references to the operating permit by rule for small sources proposed in the new rule 567--22.300 included in this action.

Item 6 changes the date that voluntary operating permit applications may be submitted from 90 days after Title V program approval by the U.S. Environmental Protection Agency, to July 1, 1996.

Item 7 proposes establishing an optional "operating permit by rule for small sources" allowing small sources (sources with actual emissions of less than 50 % of the major source threshold levels) otherwise subject to Title V permitting to register for an operating permit by rule. The proposed rule allows smaller sources to accept annual emissions limits, established in the rule, which restrict their "potential to emit" and thus their exposure to "major source" requirements of the Clean Air Act. Sources meeting the eligibility requirements and submitting the necessary documentation will be exempted from applying for a Title V operating permit and from paying the Title V fee. Sources eligible for the operating permit by rule must be willing to accept the following limits on actual emissions: for each regulated air pollutant - less than 50 tons per 12-month rolling period; for each regulated hazardous air pollutant, including fugitive emissions - less than 5 tons per 12-month rolling period; and for all regulated hazardous air pollutants combined - less than 12.5 tons per 12-month rolling period.

The rule creates two tiers of responsibility. A de minimus level is established which requires only annual recordkeeping for sources with actual emissions of regulated air pollutants under 5 tons per year, under 2 tons per year for each single hazardous air pollutant, and under 5 tons per year of any combination of hazardous air pollutants. The second tier (for sources emitting greater than de minimus levels, but still meeting eligibility requirements for the rule) is required to maintain recordkeeping sufficient to ensure continued compliance with requirements of the rule.

Items 8 and 9 adopt by reference maximum achievable control technology (MACT) standards for hazardous air pollutants for source categories for secondary lead smelting, petroleum refineries, and for aerospace manufacturing and rework facilities. This rulemaking also amends the MACT standard for Gasoline distribution by clarifying the relationship between the gasoline distribution MACT and regulations established in the petroleum refinery MACT.

Item 10 add language establishing that visible emissions standards of less than 40 % may be established in construction permits.

Item 11 changes the requirements for qualification in visual determination of the opacity of emissions to correct the inadvertent deletion of the requirement that individuals certified in visible emissions observation establish experience in opacity reading with a minimum of 250 readings of black plumes and 250 readings of white plumes.

A public hearing was held on February 19, 1996, at 10:00 A.M. in the Fifth Floor East Conference Room, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

No oral comments were received. During the public comment period, written comments were received from six organizations.

Numerous changes were made to the rule due to comments made during the public comment period. Additional changes were made to clarify the general intent of certain paragraphs as identified by staff.

The following changes were made to Item 7:

22.300 was changed to clarify which sources may register for the operating permit by rule for small sources. 22.300(2)"a"(4) was deleted and the language adopted in item 2 was incorporated at 22.300(2)"d" to clarify sources' responsibility in assessing ambient air impacts.

22.300(2)"b" the word "obviate" is replaced by the word "eliminate."

Paragraph 22.300(2)"d" is added to to clarify sources' responsibility in assessing ambient air impacts.

Requirements for sources with de minimus emissions are clarified in a modification of the first unnumbered paragraph of subrule 22.300(4).

22.300(4)"a" is renumbered and a new paragraph "a" is inserted.

De minimus source operations listed in 22.300(4)"b"(3) are changed to eliminate the reference to volatile organic compounds.

A new unnumbered paragraph is added to 22.300(4)"c" and renumbered as 22.300(4)"b."

The clause "that are federally enforceable" is added to the second sentence in the first unnumbered paragraph of 22.300(5).

A number of small phrasing changes are made to the first unnumbered paragraph of 22.300(7) for clarification.

The first sentence of 22.300(7)"c" is modified to clarify the subject of the paragraph.

The introductory paragraph 22.300(8)"a" is modified to clarify who may register for the permit, and correcting a reference to applying for rather than registering for the permit is made. The paragraph is also modified to reflect that one original and one copy of the registration form is to be submitted.

In 22.300(8)"b"(1) the term "agent" is replaced by the term "responsible official."

In 22.300(8)"b"(3)5 the location of the definition of "stationary source category" is clarified.

Paragraph 22.300(9)"a" the length of time that a source has to apply for a Title V permit, subsequent to exceeding the limits established in this rule, are made consistent with requirements established under the Title V rules.

Item 10 is amended to add the phrase "equal to or" prior before the phrase " in excess of 40 percent..."

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are adopted.

ITEM 1. Amend 567--20.2(455B) as follows:

"Volatile organic compound" means any compound included in the definition of volatile organic compound found at 40 CFR 51.100(s) as amended through ~~October 5, 1994~~ September 21, 1995.

ITEM 2. Amend subrule 22.1(2), paragraph "i", last unnumbered subparagraph, as follows:

The department reserves the right to require proof that the expected emissions from the source which is being exempted from the air quality construction permit requirement, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards specified in 567--Chapter 28. National Ambient Air Quality Standards have not been violated by any change made when claiming this exemption to the air quality construction permit requirement. If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modeling.

ITEM 3. Amend 567--22.8(1)"b" and "c" and "e" as follows:

b. Facilities which facilitywide spray one gallon per day or less of sprayed material are exempt from all requirements, except that they must submit the certification in ~~22.8(5)~~ 22.8(1)"e" to the department and keep records of daily sprayed material use. The facility must keep the records of daily sprayed material use for 18 months from the date to which the records apply.

c. Facilities which facilitywide spray more than one gallon per day but never more than three gallons per day are exempt from all requirements, except that they must submit the certification in ~~22.8(5)~~ 22.8(1)"e" to the department, keep records of daily sprayed material use, and vent emissions from spray booths through a stack which is at least 22 feet tall, measured from ground level. The facility must keep the records of daily sprayed material use for 18 months from the date to which the records apply.

e. Facilities which claim to be permitted by provisions of this rule must submit to the department a written statement as follows:

"I certify that all paint booths at the facility and listed below are in compliance with all applicable requirements of rule 567 IAC 22.8(1)(455B). I understand that this equipment shall be deemed permitted under the terms of 567 IAC 22.8(1)(455B) only if all applicable requirements of 567 IAC 22.8(1)(455B) are met. This certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true accurate, and complete." The certification must be signed by one of the following individuals.

(1) For corporations, a principal executive officer of at least the level of vice-president, or a responsible official as defined at 567 IAC 22.100(455B).

(2) For partnerships, a general partner.

(3) For sole proprietorships, the proprietor.

(4) For municipal, state, county, or other public facilities, the principal executive officer or the ranking elected official.

ITEM 4. Amend 567--22.101(1), the first sentence, as follows:

22.101(1) Except as provided in subrule 22.102(1) and (2), any person who owns or operates any of the following sources shall obtain a Title V operating permit:

ITEM 5. Amend 567--22.202(455B) as follows.

567--22.202(455B) Requirement to have a Title V permit. No source may operate after the time that it is required to submit a timely and complete application for an operating permit, except in compliance with a properly issued Title V operating permit or a properly issued voluntary operating permit or operating permit by rule for small sources.

ITEM 6. Amend 567--22.203(1)"a" as follows:

a. Timely application. Each source applying for a voluntary operating permit shall submit an application:

(1) ~~Within 90 days after approval of the department's Title V program by USEPA~~ By July 1, 1996, if the source is applying for a voluntary operating permit for the first time;

(2) At least 6 months but not more than 12 months prior to the date of expiration if the application is for renewal;

(3) Within 12 months of becoming subject to this rule for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date of this rule.

ITEM 7. Add the following new rule 567--22.300(455B) as follows:

567--22.300 Operating permit by rule for small sources. Except as provided in 567-- subrules 22.201(2) and 22.300(11) any source which otherwise would be required to obtain a Title V operating permit may instead register for and operating permit by rule for small sources. Sources which comply with the requirements contained in this rule will be deemed to have an operating permit by rule for small sources. Sources which comply with this rule will be considered to have federally enforceable limits so that their potential emissions are less than the major source thresholds for regulated air pollutants and hazardous air pollutants as defined in 567--22.100(455B).

22.300(1) Definitions for operating permit by rule for small sources. For the purposes of rule 22.300(455B), the definitions shall be the same as the definitions found at rule 22.100(455B).

22.300(2) Registration for operating permit by rule for small sources.

a. Except as provided in paragraph 22.300(3) and 22.300(11), any person who owns or operates a stationary source and meets the following criteria may register for an operating permit by rule for small sources:

1. The potential to emit air contaminants equal to or in excess of the threshold for a major stationary source of regulated air pollutants, and/or

2. The potential to emit air contaminants equal to or in excess of the threshold for a major stationary source of hazardous air pollutants, and

3. For every 12-month rolling period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in 22.300(6) below, and

b. Eligibility for an operating permit by rule for small sources does not eliminate the sources responsibility to meet any and all applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

c. Nothing in this rule shall prevent any stationary source which has had a Title V operating permit or a voluntary operating permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Title V operating permit or a voluntary operating permit or upon rescission of a Title V operating permit or a voluntary operating permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in subrule 22.300(6).

d. The department reserves the right to require proof that the expected emissions from the stationary source, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards specified in 567 -- Chapter 28.

22.300(3) Exceptions to eligibility.

a. Any affected source subject to the provisions of Title IV of the Act or any solid waste incinerator unit required to obtain a Title V operating permit under section 129(e) of the Act is not eligible for an operating permit by rule for small sources.

b. Sources which are not major sources but subject to a standard or other requirement under 567--subrule 23.1(2) (standards of performance for new stationary sources) or section 111 of the Act are eligible for an operating permit by rule for small sources only until five years from April 20, 1994. These sources shall be required to obtain a Title V operating permit when the deferment period specified in subrule 22.101(2) has expired.

c. Sources which are not major sources but subject to a standard or other requirement under 567--subrule 23.1(3) (emissions standards for hazardous air pollutants), 567--subrule 23.1(4) (emission standards for hazardous air pollutants for source categories) or section 112 of the Act are eligible for an operating permit by rule for small sources only until five years from April 20, 1994, or until the final promulgation of a federal standard under 40 CFR part 63 to which the source is subject, whichever is earlier. These sources shall be required to obtain a Title V operating permit when the deferment period specified in subrule 22.101(2) has expired or no longer applies.

22.300(4) Stationary source with de minimus emissions. Stationary sources with de minimus emissions must submit the standard registration form and must meet and fulfill all registration and reporting requirements as found in 22.300(8). Only the recordkeeping and reporting provisions listed in 22.300(4)"b" shall apply to a stationary source with de minimus emissions or operations as specified in 22.300(4)"a."

a. Deminimus emission and usage limits. For the purposes of this rule a stationary source with deminimus emissions means:

(1) In every 12-month rolling period, the stationary source emits less than or equal to the following quantities of emissions:

1. 5 tons per year of a regulated air pollutant (excluding HAPs), and
2. 2 tons per year of a single HAP, and
3. 5 tons per year of any combination of HAPs.

(2) In every 12-month rolling period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in subsections 1 through 9 below:

1. 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;

2. 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent-containing material;

3. 365 gallons of solvent-containing material used at a paint spray unit(s);

4. 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;

5. 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;

6. 1,400 gallons of gasoline combusted;

7. 16,600 gallons of diesel fuel combusted;

8. 500,000 gallons of distillate oil combusted, or

9. 71,400,000 cubic feet of natural gas combusted.

b. Recordkeeping for de minimus sources. Upon registration with the department the owner or operator of a stationary source eligible to register for an operating permit by rule for small sources shall comply with all applicable record-keeping requirements of this rule. The record-keeping requirements of this rule shall not replace any record-keeping requirement contained in an operating or construction permit or in a local, state, or federal rule or regulation.

(1) De minimus sources shall maintain an annual log of each raw material used and its amount, and each product produced and its production rate. The annual log and all related material safety data sheets (MSDS) for all materials shall be maintained for a period of not less than 5 years.

(2) Within 30 days of a written request by the State or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to subrule 22.300(7) shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in subparagraphs "a" and "b" above.

22.300(5) Provision for air pollution control equipment. The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by federal, state, or local air pollution control agency rules and regulations or permit terms and conditions that are federally enforceable. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

22.300(6) Emission limitations.

a. No stationary source subject to this rule shall emit in every 12-month rolling period more than the following quantities of emissions:

(1) 50 percent of the major source thresholds for regulated air pollutants (excluding hazardous air pollutants), and

(2) 5 tons per year of a single hazardous air pollutants, and

(3) 12.5 tons per year of any combination of hazardous air pollutants.

b. The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in paragraph "a" of this subrule.

22.300(7) Recordkeeping requirements for non-de minimus sources. Upon registration with the department the owner or operator of a stationary source eligible to register for an operating permit by rule for small stationary sources shall comply with all applicable recordkeeping requirements in this rule. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in any operating or construction permit or in a local, state, or federal rule or regulation.

a. A stationary source previously covered by the provisions in 22.300(4) shall comply with the applicable provisions of subrule 22.300(7) (Recordkeeping requirements) and subrule 22.300(8) (Reporting requirements) if the stationary source exceeds the quantities specified in paragraph 22.300(4)"a."

b. The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for ten years, and be made available to local, state, or U.S. EPA staff upon request.

c. Record keeping requirements for emission units and emission control units.

(1) Coating/solvent emission unit. The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit not permitted under 22.8(1)(Permit by rule for spray booths) or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

1. A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, VOC content in grams per liter or pounds per gallon, hazardous air pollutant content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;

2. A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and

description (if any); and a description of the coating/solvent application/drying method(s) employed;

3. A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and

4. All purchase orders, invoices, and other documents to support information in the monthly log.

(2) Organic liquid storage unit. The owner or operator of a stationary source subject to this rule that contains an organic liquid storage unit shall keep and maintain the following records:

1. A monthly log identifying the liquid stored and monthly throughput; and

2. Information on the tank design and specifications including control equipment.

(3). Combustion emission unit. The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

1. Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and

2. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

(4) Emission Control Unit. The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

1. Information on equipment type and description, make and model, and emission units served by the control unit;

2. Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and

3. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

(5) General emission unit. The owner or operator of a stationary source subject to this rule that contains an emission unit not included in subparagraphs (1), (2), or (3) above shall keep and maintain the following records:

1. Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);

2. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and

3. Purchase orders, invoices, and other documents to support information in the monthly log.

22.300(8) Registration and reporting requirements.

a. Duty to apply. Any person who owns or operates a stationary source otherwise required to obtain a title V operating permit and which would be eligible for an operating permit by rule for small sources must either register for an operating permit by rule for small sources, apply for a

voluntary operating permit, or apply for a Title V operating permit. Any source determined not to be eligible for an operating permit by rule for small sources, and operating without a valid Title V or a valid voluntary operating permit, shall be subject to enforcement action for operation without a Title V operating permit. For each source registering for an operating permit by rule for small sources, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, at least one original and one copy of a timely and complete registration form in accordance with this rule.

(1) Timely registration. Each source registering for an operating permit by rule for small sources shall submit a registration form:

1. By July 1, 1996, if the source is applying for an operating permit by rule for small sources for the first time;

2. Within 12 months of becoming subject to rule 22.101 for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date of this rule.

(2) Complete registration form. To be deemed complete the registration form must provide all information required pursuant to subrule 22.300(8)"b."

(3) Duty to supplement or correct registration. Any registrant who fails to submit any relevant facts or who has submitted incorrect information in an operating permit by rule for small sources registration shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the registrant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete registration.

(4) Certification of truth, accuracy, and completeness. Any registration form, report, or supplemental information submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

b. At the time of registration for an operating permit by rule for small sources each owner or operator of a stationary source shall submit to the department a standard registration form and required attachments. To register for an operating permit by rule for small sources, applicants shall complete the registration form and supply all information required by the Filing Instructions. The information submitted must be sufficient to evaluate the source, its registration, predicted actual emissions from the source; and to determine whether the source is subject to the exceptions listed in subrule 22.300(3). The standard registration form and attachments shall require that the following information be provided:

(1) Identifying information, including company name and address (or plant or source name if different from the company name), owner's name and responsible official, and telephone number and names of plant site manager or contact;

(2) A description of source processes and products (by two-digit Standard Industrial Classification Code);

(3) The following emissions-related information shall be submitted to the department on the standard registration form:

1. The total actual emissions of each regulated air pollutant. Actual emissions shall be reported for one contiguous 12 month period within the 18 months preceding submission of the registration to the department;

2. Identification and description of each emission unit with the potential to emit a regulated air pollutant;

3. Identification and description of air pollution control equipment;

4. Limitations on source operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

5. Fugitive emissions sources shall be included in the registration form in the same manner as stack emissions if the source is one of the source categories defined as a stationary source category in rule 22.100(455B).

(4) Requirements for certification. Facilities which claim to meet the requirements set forth in this rule to qualify for an operating permit by rule for small sources must submit to the department, with a complete registration form, a written statement as follows:

"I certify that all equipment at the facility with a potential to emit any regulated pollutant is included in the registration form, and submitted to the department as required in 22.300(8)"b." I understand that the facility will be deemed to have been granted an operating permit by rule for small sources under the terms of 567 IAC 22.300(455B) only if all applicable requirements of 567 IAC 22.300(455B) are met and if the registration is not denied by the director under 567 IAC 22.300(11). This certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." The certification must be signed by one of the following individuals.

For corporations, a principal executive officer of at least the level of vice-president, or a responsible official as defined at 567 IAC 22.100(455B).

For partnerships, a general partner.

For sole proprietorships, the proprietor.

For municipal, state, county, or other public facilities, the principal executive officer or the ranking elected official.

22.300(9) Construction permits issued after registration for an operating permit by rule for small sources. This rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable construction permit, or to replace a condition or term of any construction permit, or any provision of a construction permitting program. This does not preclude issuance of any construction permit with conditions or terms necessary to ensure compliance with this rule.

a. If the issuance of a construction permit acts to make the source no longer eligible for an operating permit by rule for small sources, the source shall, within 12 months of issuance of the construction permit, submit an application for either a Title V operating permit or a voluntary operating permit.

b. If the issuance of a construction permit does not prevent the source from continuing to be eligible to operate under an operating permit by rule for small sources the source shall, within 30 days of issuance of a construction permit, provide to the department the information as listed in 22.300(8)"b" for the new or modified source.

22.300(10) Violations.

a. Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule.

b. A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including rules 22.101 through 22.116 when the conditions specified in either subparagraph (1) or (2) below, occur:

(1) Commencing on the first day following every 12-month rolling period in which the stationary source exceeds a limit specified in subrule 22.300(6), or

(2) Commencing on the first day following every 12-month rolling period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in subrule 22.300(6).

22.300(11) Suspension, termination, and revocation of an operating permit by rule for small sources.

a. Registrations may be terminated, modified, revoked, or reissued for cause. The following examples shall be considered cause for the suspension, modification, revocation, or reissuance of an operating permit by rule for small sources:

(1) The director has reasonable cause to believe that the operating permit by rule for small sources was obtained by fraud or misrepresentation.

(2) The person registering for the operating permit by rule for small sources failed to disclose a material fact required by the registration form or the rules applicable to the operating permit by rule for small sources, of which the applicant had or should have had knowledge at the time the registration form was submitted.

(3) The terms and conditions of the operating permit by rule for small sources have been or are being violated.

(4) The owner or operator of the source has failed to pay an administrative, civil or criminal penalty for violations of the operating permit by rule for small sources.

b. If the director suspends, terminates or revokes an operating permit by rule for small sources under this rule, the notice of such action shall be served on the applicant by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the action sought, and the proceeding shall in all other respects comply with the requirements of rule 561-7.16(17A,455A).

ITEM 8. Amend paragraphs 23.1(4)"r" and "x" as follows:

r. Emission standards for hazardous air pollutants for sources categories: Gasoline distribution: (Stage 1). These standards apply to all existing and new bulk gasoline terminals and pipeline breakout stations that are major sources of hazardous air pollutants or are located at plant sites that are major sources. Bulk gasoline terminals and pipeline breakout stations located within a contiguous area or under common control with a refinery complying with 40 CFR subpart CC are not subject to 40 CFR subpart R standards. (Subpart R)

x. ~~to ad. Reserved.~~ National emission standards for hazardous air pollutants from secondary lead smelting. These standards apply to all existing and new secondary lead smelters sources which use blast, reverberatory, rotary, or electric smelting furnaces for lead recovery of scrap lead that are located at major or area sources. The provisions apply to smelting furnaces, refining kettles, agglomerating furnaces, dryers, process fugitive sources, and fugitive dust. Excluded from the rule are primary lead smelters, lead refiners, and lead remelters. Hazardous air pollutants

regulated under this standard include but are not limited to lead compounds, arsenic compounds, and 1,3-butadiene. (Subpart X)
y. to ab. Reserved.

ITEM 9. Add the following new paragraphs 23.1(4) "ac," and "ag" reserving paragraphs "ae" and "af":

ac. National emission standards for hazardous air pollutants: petroleum refineries. These standards apply to petroleum refining process units and colocated emission points at new and existing major sources. Affected sources include process vents, equipment leaks, storage vessels, transfer operations, and waste water streams. The standards also apply to marine tank vessel and gasoline loading racks. Excluded from the standard are catalyst regeneration from catalytic cracking units and catalytic reforming units, and vents from sulfur recovery units. Compliance with the standard includes emission control and prevention. (Subpart CC)

ag. National emission standards for hazardous air pollutants for source categories: aerospace manufacturing and rework facilities. These standards apply to major sources involved in the manufacture, repair, and/or rework of aerospace components and assemblies, including but not limited to airplanes, helicopters, missiles, and rockets for civil, commercial, or military purposes. Hazardous air pollutants regulated under this standard include chromium, cadmium, methylene chloride, toluene, xylene, methyl ethyl ketone, ethylene glycol, and glycol ethers. (Subpart GG)

ITEM 10. Amend paragraph 567--23.3(2)"d" as follows:

Visible emissions. No person shall allow, cause or permit the emission of visible air contaminants ~~in excess of 40 percent opacity~~ into the atmosphere from any equipment, internal combustion engine, premise fire, open fire or stack, equal to or in excess of 40 percent opacity or that level specified in a construction permit, except as provided below and in 567--Chapter 24.

ITEM 11. Amend 567--29.1(455B) as follows:

567--29.1(455B) Methodology and qualified observer. The federal method for visual determination of opacity of emissions and requirements for qualified observers as defined in Method 9, 40 CFR Part 60 Appendix A as amended through November 14, 1990, is adopted by reference.

To qualify as an observer a candidate must, after meeting the requirements established in Method 9, 40 CFR Part 60 Appendix A, have on record with the department a minimum of 250 readings of black plumes and 250 readings of white plumes, taken at approved smoke reading courses.

This rule is intended to implement Iowa Code chapter 455B.

Date

Larry J. Wilson, Director

Mr. Stokes briefly explained the rules.

Chairperson King asked about Comment #9 in the Responsiveness Summary as to whether the rule was reworded to clarify the phrase "solvent-containing." She related that she does not see those words in the rule and wondered how it was clarified.

Mr. Stokes stated that staff will have to review the rules and comments and asked the Commission to table the item until next month. He related that will give staff time to highlight any concerns of the Commission and also the changes that were made as a result of the public comments.

Discussion followed regarding the 12 month rolling average and how compliance is handled.

Amy Christensen

Amy Christensen, Sullivan & Ward, stated that one of the reasons the Commission needs to act upon the rules now is because the deadline for submitting the voluntary permit applications is July 1, and people need to know if they are going to be able to use this rule so they do not have to submit one of those applications. She added that the rule needs to be effective before the voluntary permit application requirement kicks in, so the Commission really needs to act on the rule this month.

Mr. Stokes stated that whatever action the Commission chooses to take, staff will bring information back next month on the comments/changes that have been made to the rule. He indicated that staff could send out a notice to the impacted facilities stating that the deadline will be waived for 30 days.

Terrance Townsend commented that requirement for keeping records for ten years is an awfully long time to keep all those documents and related that five years would be feasible.

Discussion followed in regard to the rules going back out to public hearing if changes are made, and also waiving the deadline.

Motion was made by William Ehm to delay approval of the rules for 30 days and waive the deadline for submitting applications accordingly. Seconded by Charlotte Mohr. Motion carried unanimously.

DELAYED UNTIL NEXT MONTH

FINAL RULE--CHAPTER 42, 63, AND 83, LABORATORY CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve Chapter 83 of the rules which will replace in its entirety Chapter 42 pertaining to requirements for the laboratory certification program. Chapter 63 will be revised to require that laboratories performing analyses of samples for the wastewater program be certified, and references to Chapter 42 elsewhere in the rules will be changed to reflect the new chapter designation.

The Commission approved proposed rules at its' October, 1995 meeting . A public hearing on the proposed rules was held December 14, 1995. A summary of written and oral comments received together with the departments response is attached.

The purpose of this rulemaking is to further implement Code of Iowa sections 455B.113 and 455B.114 which require laboratories that perform analyses of samples required to be submitted to the department to be certified. A certification program has already been implemented for laboratories analyzing samples for the water supply and underground storage tank programs. This rulemaking will extend the certification program to include procedures for the certification of laboratories analyzing samples for the departments wastewater program. No substantive changes to the certification requirements for laboratories that analyze samples for the water supply or underground storage tank programs are proposed.

Chapter 63 of the rules defines monitoring, analytical and reporting requirements applicable to the departments wastewater program. This chapter is revised to include a requirement that laboratories be certified in accordance with Chapter 83 to perform analyses of wastewater, groundwater or sewage sludge samples which are required to be submitted to the department. These rules will also adopt, by reference, EPA approved test methods specified in 40 CFR part 136.3 and require that these approved methods be utilized for analyses of all wastewater samples required to be submitted to the department.

ENVIRONMENTAL PROTECTION COMMISSION [567] Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.113, 455B.114, and 455B.115, the Environmental Protection Commission amends Chapter 40, "Scope of Division--Definitions--Forms--Rules of Practice," Chapter 41, "Water Supplies," Chapter 43, "Water Supplies--Design and Operation," and Chapter 63, "Monitoring, Analytical and Reporting Requirements," rescinds Chapter 42, "Laboratory Certification," and adopts Chapter 83, "Laboratory Certification," Iowa Administrative Code.

Chapter 42 of the rules contains requirements pertaining to the certification of laboratories analyzing samples for the Department's public water supply and underground storage tank programs. The purpose of this rulemaking is to expand the existing program to require certification of laboratories analyzing samples for the Department's wastewater program. The new chapter will replace Chapter 42 in its entirety but makes no substantive changes to the certification requirements for laboratories analyzing samples for the water supply or underground storage tank programs.

Chapter 83 adds a certification procedure for laboratories performing analyses associated with the regulation of wastewater, groundwater and sewage sludge under 567--Chapters 60 to 67. Laboratories performing analyses as a result of Iowa Code provisions, rules, operation permits or administrative orders will be required to be certified by the Department to perform such analyses. The proposed rules establish procedures for laboratories to use to apply for certification, establish laboratory certification fees, and specify the appropriate methods and references for evaluating laboratory competence, including the minimum requirements for laboratories to become certified. A guidance document entitled "Manual for the Certification of Laboratories Analyzing Environmental Samples For The Iowa Department of Natural Resources, March, 1996" is incorporated by reference. This document contains separate chapters pertaining to certification of laboratories analyzing samples for the Department's drinking water, underground storage tank and wastewater programs.

Chapter 63 of the rules is being amended to require the use of test methods approved by the U. S. Environmental Protection Agency when analyzing wastewater samples, and adopts the approved methods specified in 40 CFR Part 136.3 by reference.

Notice of Intended Action was published in the November 8, 1995 Iowa Administrative Bulletin as ARC 6014A. A hearing was held December 14, 1995 on the proposed amendments. Both written and oral comments were received and a public responsiveness summary was prepared. The principal changes were to revise the applicable fees for certification of inorganic compounds, to clarify the acceptable method for payment of fees, to clarify that a laboratory will continue to be certified following submittal of a timely and complete application until final action is taken by the department to approve or deny the application, and to clarify which test methods are exempt from certification.

These amendments are intended to implement Iowa Code sections 455B.113, 114 and 115.

These amendments will become effective May 15, 1996.

The following amendments are adopted.

ITEM 1. Amend 567--40.1(455B), third paragraph, as follows:

Chapter 41 contains the drinking water standards and specific monitoring and record-keeping requirements for the public water supply program. Chapter 42 83 contains provisions for the certification of laboratories to provide environmental testing of drinking water supplies. Chapter 43 contains design, construction and operating requirements for the public water supply program. Chapter 47 contains provisions for county grants for creating programs for (1) the testing of private water supply wells and (2) the proper closure of private, abandoned wells within the jurisdiction of the county. Chapter 49 provides minimum standards for the construction of private water wells.

ITEM 2. Rescind rule 567--40.6 (17A,455B) in its entirety

ITEM 3. Amend 41.4(1)"g"(2), introductory paragraph, to read as follows:

(2) Analyses under this subrule shall only be conducted by laboratories that have been certified by the department. To obtain certification to conduct analyses for lead and copper, laboratories must comply with 567--Chapter 42 83 and:

ITEM 4. Amend 41.7(1)"e", introductory paragraph, to read as follows:

e. Analytical methodology. Public water systems shall conduct turbidity analysis in accordance with 567--subrule 43.5(4) and the following analytical method. Measurements for turbidity shall be conducted by a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, or a laboratory certified to perform analysis under 567--Chapter 42 83.

ITEM 5. Amend 41.7(2)"e", introductory paragraph, to read as follows:

e. Analytical methodology. Measurements for residual disinfectant concentration shall be conducted by a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, or a laboratory certified to perform analysis under 567--Chapter 42 83.

ITEM 6. Amend 41.7(3)"e" to read as follows:

e. Analytical methodology. Measurements for temperature must be conducted by a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, or a laboratory certified to perform analysis under 567--Chapter 42 83. Temperature shall be determined in compliance with Method 2550 (Temperature), ~~pp. 2-80 to 2-81~~ p. 2-59, as set forth in "Standard Methods," 17th Edition

ITEM 7. Amend 41.7(4)"e" to read as follows:

e. Analytical methodology. Measurements for pH shall be conducted by a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, or a laboratory certified to perform analysis under 567--Chapter 42 83. pH shall be determined in compliance with Method 4500-H⁺ (pH Value), pp. 4-94 65 to 4-102 69, as set forth in "Standard Methods," 17th Edition.

ITEM 8. Amend subrule 567--41.11(1)"d"(2) to read as follows:

(2) Analysis under this subrule shall only be conducted by laboratories approved under 567--Chapter 42 83.

ITEM 9. Amend 43.5(4)"a", introductory paragraph, to read as follows:

a. Analytical requirements. Only the analytical method(s) specified in this paragraph, or otherwise approved by the department, may be used to demonstrate compliance with the requirements of 43.5(2) and 43.5(3). Measurements for pH, temperature, turbidity, and residual disinfectant concentrations must be conducted by a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a Grade II, III or IV operator meeting the requirements of 567--Chapter 81, or a laboratory certified by the department to perform analysis under 567--Chapter 42 83. Measurements for heterotrophic plate count bacteria must be conducted by a laboratory certified by the department to do such analysis. Until laboratory certification criteria are developed for the analysis of heterotrophic plate count bacteria, any laboratory certified for total coliform analysis by the department is certified for

heterotrophic plate count bacteria analysis unless notified otherwise by the department. The procedures shall be performed in accordance with 567--Chapters 41 and 42 83 as listed below and the referenced publications.

ITEM 10. Amend subrule 63.1(1) to read as follows:

63.1(1) *Identification of test procedures.*

a. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136, revised as of July 1, 1995.

b. ~~Parameters or pollutants for which an effluent limitation is specified in an effluent limitation adopted by reference in 567 chapter 62, together with test descriptions and references are named in Table VII. The~~ All parameters for which testing is required by a wastewater discharge permit, permit application, or administrative order, except operational performance testing, must be analyzed using approved methods specified in 40 CFR Part 136.3 by one of the approved analytical methods described in Table VII or, under certain circumstances, by other methods that may be more advantageous to use when such other methods have been previously approved by the director pursuant to 63.1(2). Samples collected for operational testing pursuant to 63.3(4) need not be analyzed by approved analytical methods described in Table VII; however, commonly accepted test methods should be used.

ITEM 11. Amend 63.1(2)"b"(3) to read as follows:

(3) Provide justification for using testing procedures other than those specified in Table VII 40 CFR Part 136.3.

ITEM 12. Add a new subrule 63.1(4) to read as follows:

All laboratories conducting analyses required by this chapter must be certified in accordance with 567--Chapter 83 except that routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements such as flow and cell depth, and operational monitoring tests specified in 63.3(4) are excluded from this requirement.

ITEM 13. Rescind 567--Chapter 63, Table VII, in its entirety.

ITEM 14. Rescind 567--Chapter 42 and adopt a new 567--Chapter 83 as follows:

CHAPTER 83 LABORATORY CERTIFICATION

PART A GENERAL

567--83.1(455B) Authority, purpose, and applicability.

83.1(1) Authority. Pursuant to Iowa Code sections 455B.113 and 455B.114, a laboratory certification program is required for laboratories performing analyses of samples which are required to be submitted to the department as a result of Iowa Code provisions, rules, operation permits, or administrative orders.

83.1(2) Purpose. The purpose of these rules is to provide the procedures for laboratories to use to apply for certification, to establish laboratory certification fees, and to provide the appropriate methods and references for evaluating laboratory competence including the requirements for laboratories to become certified.

83.1(3) Applicability.

a. The requirements of this chapter apply to all laboratories conducting drinking water analyses pursuant to 567--Chapters 40, 41 and 43 (with the exception of the University of Iowa Hygienic Laboratory). Routine, on-site monitoring for pH, turbidity, and chlorine residual and on-site operation and maintenance-related analytical monitoring are excluded from this requirement.

b. The requirements of this chapter apply to all laboratories conducting underground storage tank analyses for petroleum constituents pursuant to 567--Chapter 135 (with the exception of the University of Iowa Hygienic Laboratory). Routine on-site monitoring conducted by or for underground storage tank owners for leak detection or a nonregulatory purpose are excluded from this requirement.

c. The requirements of this chapter apply to all laboratories conducting analyses of wastewater, groundwater or sewage sludge pursuant to 567--Chapters 63 and 67 (with the exception of the University of Iowa Hygienic Laboratory). Routine on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements such as flow and cell depth, and operational monitoring tests specified in 567--subrule 63.3(4) are excluded from this requirement.

567--83.2(455B) Definitions.

"Manual for the Certification of Laboratories Analyzing Environmental Samples for the Iowa Department of Natural Resources" (1996) is incorporated by reference in this chapter. Chapter 1 of the manual pertains to certification of laboratories analyzing samples of drinking water and incorporates by reference the "Manual for the Certification of Laboratories Analyzing Drinking Water," EPA document 570/9-90-008, April 1990, and its supplements EPA 570/9-90-008A, October, 1991, and EPA 814B-92-0002, September, 1992. Chapter 2 pertains to laboratories analyzing samples for the underground storage tank program. Chapter 3 pertains to laboratories analyzing samples for the department's wastewater and sewage sludge disposal programs.

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that a laboratory can successfully analyze the sample within limits of performance specified by the department. The true value of the concentration of the reference material is unknown to the laboratory at the time of analysis.

PART B
CERTIFICATION PROCESS

567--83.3(455B) Application for laboratory certification.

83.3(1) Application forms. Application for laboratory certification shall be made on forms provided by the department and shall be accompanied by the fee specified in 83.3(2). The application for certification or renewal of certification shall be made at least 60 days prior to the

date when certification or renewal is desired. The department may require submission of additional information necessary to evaluate the application. If the application is incomplete or deficient, evaluation of the application (and lab appraisal) will not be completed until such time as the applicant has supplied the missing information or corrected the deficiency.

83.3(2) Fees and expenses.

a. A nonrefundable fee for the administration, completion of on-site laboratory surveys and assessments, and enforcement of laboratory certification requirements shall be paid with the certification application. Certification will not be issued until the fees and expenses are paid. Out-of-state laboratories will be responsible for paying the expenses of an on-site visit, if required, and the department or its agent will bill the out-of-state laboratory directly for the expenses.

b. The applicable fees shall be based on the type of analytical service provided as follows:

(1) Water supply laboratory certification fees.

1. The fee for microbiological analyses including total coliform, fecal coliform, *E. coli*, heterotrophic bacteria, virus, algae, diatoms, rotifers, and giardia shall be \$600. Laboratories may also be certified for fluoride, nitrate and nitrite with no additional fee (when they are certified for microbiological analyses) providing they are not seeking certification for any other inorganic analyte.

2. The fee for inorganic analyses including nitrate, nitrite, fluoride, arsenic, sodium, and other inorganics shall be \$1,200. However, a laboratory certified to conduct inorganic analyses under the wastewater program can be certified to conduct inorganic analyses under the water supply program for an additional \$300 (\$1,500 total).

3. The fee for volatile organic chemical analyses such as benzene, vinyl chloride, trichloroethylene, chloroform, and toluene shall be \$1,200. However, a laboratory certified to conduct analyses for volatile organic chemicals under the wastewater program can be certified to conduct analyses for synthetic organic compounds under the water supply program for an additional \$600 (\$1,800 total).

4. The fee for synthetic organic chemical analyses, other than for volatile organic chemicals, such as atrazine, alachlor, 2-4 D, 2-4-5 TP, and lindane shall be \$1,200. However, a laboratory certified to conduct analyses for synthetic organic chemicals under the wastewater program can be certified to conduct analyses for synthetic organic chemicals under the water supply program for an additional \$600 (\$1,800 total).

5. The fee for chemical analyses for dioxins shall be \$600.

6. The fee for asbestos fiber analyses shall be \$300.

7. The fee for analyses of radionuclides shall be \$300. However, a laboratory certified to conduct radionuclide analyses under the wastewater program may be certified to conduct the same analyses for the water supply program for an additional \$100 (\$400 total).

(2) Underground storage tank laboratory certification fees. The fee for analyses for petroleum constituents using methods OA-1 and OA-2 shall be \$1,200. However, a laboratory certified to conduct analyses for petroleum constituents under the wastewater program can be certified to conduct the same analyses for the underground storage tank program for an additional \$300 (\$1,500 total).

(3) Wastewater program laboratory certification fees.

1. The fee for analyses of basic wastewater constituents which includes biochemical oxygen demand (BOD), carbonaceous biochemical oxygen demand (CBOD), total suspended solids (TSS), and ammonia nitrogen (NH_3) shall be \$300.

2. The fee for microbiological analyses shall be \$600.

3. The fee for effluent toxicity analyses shall be \$600.

4. The fee for inorganic analyses shall be \$300 per analyte to a maximum of \$1,200. However, a laboratory certified to conduct inorganic analyses under the water supply program can be certified to conduct inorganic analyses under the wastewater program for an additional \$300 (\$1,500 total).

5. The fee for synthetic organic chemical analyses, other than volatile organic chemicals, shall be \$1,200. However, a laboratory certified to conduct analyses for synthetic organic chemicals under the water supply program can be certified to conduct analyses for synthetic organic chemicals under the wastewater program for an additional \$600 (\$1,800 total).

6. The fee for volatile organic chemical analyses shall be \$1,200. However, a laboratory certified to conduct analyses for volatile organic chemicals under the water supply program can be certified to conduct analyses for volatile organic compounds under the wastewater program for an additional \$600 (\$1,800 total).

7. The fee for analyses for petroleum products using methods OA-1 or OA-2 shall be \$1,200. However, a laboratory certified to conduct analyses for petroleum constituents under the underground storage tank program can be certified to conduct the same analyses for the wastewater program for an additional \$300 (\$1,500 total).

8. The fee for analyses of radionuclides shall be \$300. However, a laboratory certified to conduct radionuclide analyses under the water supply program may be certified to conduct the same analyses for the wastewater program for an additional \$100 (\$400 total).

(4) The fee for certification of a single analyte, or for any analyses not covered by subparagraphs (1) through (3) shall be \$300.

c. The fee for certification shall not be reduced if an on-site visit is not performed.

d. The laboratory certification fees shall be increased by \$300 per visit in those cases where multiple on-site visits or multiple samples of unknown contaminants (for laboratory performance testing) are necessary.

e. *Payment of fees.* Fees shall be paid by check or money order made payable to the Iowa Department of Natural Resources. Purchase orders are not an acceptable form of payment.

83.3(3) Reciprocity. Reciprocal certification of out-of-state laboratories by Iowa, and of Iowa laboratories by other states, is encouraged. However, where an out-of-state laboratory has received an on-site visit within its own state, the fee for certification shall not be reduced if an on-site visit is not performed by Iowa.

567--83.4(455B) Procedure for initial laboratory certification for wastewater laboratories.

83.4(1) Implementation process. All laboratories seeking certification to perform wastewater analyses shall provide a letter to the department requesting certification. The letter shall include a statement that the laboratory is capable of performing the analyses for which certification is requested and the intent to participate in blind performance evaluation testing using the approved methods.

a. Laboratories submitting a letter of intent to be certified by October 1, 1996 will be issued a temporary certification letter. The temporary certification will be effective until the

laboratory is certified through the on-site visit process or for 120 days (whichever period is longer). No temporary certifications will be issued for applications received after October 1, 1996.

b. The department or its designee will schedule an on-site visit for each laboratory submitting a letter of intent unless the on-site visit is waived by the department as provided by 83.4(1)"e". The department will request a complete application from the laboratory at least 60 days prior to the on-site visit. The laboratory will have 30 days to complete an application and return it, along with the fee, to the department. Temporary certification will be removed and the on-site visit will not take place if the application and fee are not received.

c. Participation in a performance evaluation test using the approved method(s) for which certification is requested must be initiated within 90 days of submitting the letter of intent to be certified. Performance evaluations consist of analyzing product-spiked samples in a particular matrix provided by the testing organization to determine if a laboratory's analytical results are within the acceptance range. Acceptable results on the performance evaluation is required in order to receive final laboratory certification. Temporary certification will be removed if the laboratory fails to initiate the performance evaluation. An independent performance testing organization meeting the requirements in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Iowa Department of Natural Resources" (1996) must be used.

d. Certification of the University of Iowa Hygienic Laboratory (UHL) is the responsibility of the UHL quality assurance officer. The quality assurance officer reports directly to the office of the director and operates independently of all areas of the laboratory generating data to ensure complete objectivity in the evaluation of laboratory operations. The quality assurance officer will schedule a biennial on-site inspection of the UHL and review results for acceptable performance. Inadequacies or unacceptable performance shall be reported by the quality assurance officer to the UHL and the department for correction. The department shall be notified if corrective action is not taken.

e. *On-site visits.* Upon application to the department by a laboratory requesting certification or recertification, the director or his designee will contact the laboratory and a date will be established for an on-site visit. The criteria given in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Iowa Department of Natural Resources" (1996) will be used during the on-site visit to evaluate laboratory equipment, procedures, records, and personnel. Prior to the initial on-site visit the laboratory will be requested to complete a presurvey information form. The on-site visit requirement may be waived for out-of-state laboratories desiring certification where EPA or the resident state has a certification program equivalent to Iowa's, an on-site visit has been conducted, and a copy of the on-site visit report can be provided to the department.

83.4(2) Letter of certification. If it is determined that the physical facilities and equipment of the laboratory meet the criteria set forth in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Iowa Department of Natural Resources" (1996), and the laboratory personnel have properly demonstrated proficiency with the procedures specified in the manual, the laboratory will be issued a letter of certification. The letter of certification will state the personnel, parameters and analytical methods for which the laboratory is certified and may contain conditions deemed necessary by the department to ensure that the laboratory is meeting all requirements of this chapter.

567--83.5(455B) Procedures for certification of new laboratories or changes in certification. Laboratories that wish to become certified to conduct testing for an analyte or a method after the deadline for initial certification has passed shall follow the procedures specified in 567--83.6 (455B) for laboratory recertification.

567--83.6(455B) Laboratory recertification. Laboratories shall be recertified every two years after initial certification. Applications for recertification must be on forms provided by the department and must be postmarked at least 60 days prior to the renewal date. Applications shall be accompanied by the fee specified in 83.3(2). To be recertified laboratory certification, laboratories must meet the following requirements:

83.6(1) Laboratories must use the approved methodology for all analyses the results of which are to be submitted to the department;

83.6(2) Certified laboratories must satisfactorily analyze performance evaluation samples at least once per year for each analyte by each method for which the laboratory wishes to retain certification unless a performance evaluation sample is not available for the particular analyte or method. Results must be submitted to the University of Iowa Hygienic Laboratory along with a statement of the method used within 30 days of receipt from the vendor.

83.6(3) Laboratories must notify the department, in writing, within 30 days of major changes in personnel, equipment, laboratory facilities, or other major change which might alter analytical capability.

83.6(4) Laboratories must consent to a periodic site visit, normally every two years. However, an on-site visit may be conducted more frequently if the laboratory undergoes a major change, fails a performance evaluation examination sample analysis, or if the department questions an aspect of data submitted which is not satisfactorily resolved.

83.6(5) Period of validity. Certification shall be valid for a period not to exceed two years from the date of issuance, except in the case of reciprocal certification of an out-of-state laboratory. Reciprocal certification shall be valid for a period equal to that of the resident state in which the laboratory is certified, but shall not exceed two years. A laboratory that has submitted a timely and complete application for renewal shall maintain certification until certification is renewed or revoked.

83.6(6) Reporting requirements.

a. *Underground storage tank program.* Certified laboratories must report to the person requesting the analysis and include the information required in 567--subrule 135.10(2) in their laboratory report.

b. *Water supply program.* Certified laboratories must report to the department, or an approved designee, on forms provided by the department or by means of a digital electronic computer format acceptable to the department, all analytical test results for public water supplies. Certified laboratories must also report all analytical results to the supplier of water for which the analysis was performed. Results must be reported by the seventh day of the month following the month in which the samples were analyzed except for positive coliform bacteria samples and their associated repeat and follow-up samples. Results of these samples must be reported to the department, and the supplier of water for whom they were analyzed, within 24 hours of analysis. Samples of nitrate and nitrite which exceed the maximum contaminant level

(MCL) must also be reported to the department and the supplier of water within 24 hours of the analysis.

c. *Wastewater program.* Certified laboratories must report to the person requesting the analysis and include the information required in 567--paragraphs 63.2(2)"b" to "e" in their laboratory report.

83.6(7) Performance evaluation and acceptance limits.

a. *Underground storage tank program.* Achieve quantitative results on annual performance evaluation samples that are within plus or minus 20 percent of the true value for individual compounds (i.e. benzene, ethylbenzene, toluene, xylene by OA-1) and plus or minus 40 percent of the true value for multicomponent materials (i.e., gasoline, diesel fuel, motor oil by either OA-1 or OA-2).

b. *Water supply program.* (1) Volatile organic chemical (VOC) performance evaluations-laboratory certification. Analysis for volatile organic chemicals shall only be conducted by laboratories that are certified by EPA or the department or its authorized designee according to the following conditions. To receive approval to conduct analyses for the VOC contaminants in 567--41.5(1)"b"(1), except for vinyl chloride, the laboratory must:

1. Analyze performance evaluation samples which include those substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the department or its authorized designee.

2. Achieve the quantitative acceptance limits for at least 80 percent of the regulated organic chemicals listed in 567--subparagraph 41.5(1)"b"(1), except for vinyl chloride.

3. Achieve quantitative results on the performance evaluation samples that are within plus or minus 20 percent of the actual amount of the substances when the actual amount is greater than or equal to 0.010 mg/l.

4. Achieve quantitative results on the performance evaluation samples that are within plus or minus 40 percent of the actual amount of the substances when the actual amount is less than 0.010 mg/l.

5. Achieve a VOC method detection limit of 0.0005 mg/l.

(2) To receive approval for vinyl chloride, the laboratory must:

1. Analyze performance evaluation samples which include vinyl chloride provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the department or its authorized designee.

2. Achieve quantitative results on the performance evaluation samples that are within plus or minus 40 percent of the actual amount of vinyl chloride.

3. Achieve a method detection limit of 0.0005 mg/l.

(3) Synthetic organic chemicals (SOCs) performance evaluations-laboratory certification. Analysis under this paragraph shall only be conducted by laboratories that have been certified by EPA or the department or its authorized designee. To receive approval to conduct analyses for the SOC contaminants in 567--subparagraph 41.5(1)"b"(2) the laboratory must:

1. Analyze performance evaluation samples which include those substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the department or its authorized designee.

2. Achieve quantitative results on the analyses that are within the following acceptance limits:

Acceptance Limits

Contaminant	(percent)
DBCP	(+ or -) 40
EDB	(+ or -) 40
Alachlor	(+ or -) 45
Atrazine	(+ or -) 45
Benzo(a)pyrene	2 standard deviations
Carbofuran	(+ or -) 45
Chlordane	(+ or -) 45
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	(+ or -) 30
Glyphosate	2 standard deviations
Heptachlor	(+ or -) 45
Heptachlor epoxide	(+ or -) 45
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	(+ or -) 45
Methoxychlor	(+ or -) 45
Oxamyl	2 standard deviations
Polychlorinated biphenyls (PCB's)	(as 0 - 200
decachlorobiphenyl))	
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	(+ or -) 45
Aldicarb	2 standard deviations
Aldicarb Sulfoxide	2 standard deviations
Aldicarb Sulfone	2 standard deviations
Petachlorophenol	(+ or -) 50
2,3,7,8-TCDD (Dioxin)	2 standard deviations
2,4-D	(+ or-) 50
2,4,5-TP (Silvex)	(+ or-) 50

(4) Inorganic chemical performance evaluations - laboratory certification. Analysis under this paragraph shall only be conducted by laboratories that have been certified by EPA or the department or its authorized designee. To receive approval to conduct analyses for antimony,

asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium and thallium, the laboratory must:

1. Analyze performance evaluation samples which include those substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the department or its designee.
2. Achieve quantitative results on the analyses that are within the following acceptance limits:

Acceptance Limits

Contaminant	Acceptance Limit
Antimony	(+ or -) 30% at greater than or equal to 0.006 mg/l
Asbestos	2 standard deviations based on study statistics
Barium	(+ or -) 15% at greater than or equal to 0.15 mg/l
Beryllium	(+ or -) 15% at greater than or equal to 0.001 mg/l
Cadmium	(+ or -) 20% at greater than or equal to 0.002 mg/l
Chromium	(+ or -) 15% at greater than or equal to 0.01 mg/l
Cyanide	(+ or -) 25% at greater than or equal to 0.1 mg/l
Fluoride	(+ or -) 10% at greater than or equal to 1 to 10 mg/l
Mercury	(+ or -) 30% at greater than or equal to 0.0005 mg/l
Nickel	(+ or -) 15% at greater than or equal to 0.01 mg/l
Nitrate	(+ or -) 10% at greater than or equal to 0.4 mg/l
Nitrite	(+ or -) 15% at greater than or equal to 0.4 mg/l
Selenium	(+ or -) 20% at greater than or equal to 0.01 mg/l
Thallium	(+ or -) 30% at greater than or equal to 0.002 mg/l

c. *Wastewater program.* Achieve acceptable quantitative results on annual performance evaluation samples that are equivalent to those used in the Water Pollution (WP) proficiency program administered by EPA.

567--83.7(455B) Criteria and procedure for downgrading and revoking laboratory certification.

83.7(1) *Criteria for downgrading certification status to conditional.* A laboratory may be downgraded to conditionally certified status for any of the following reasons:

- a. Failure to analyze a performance evaluation sample annually within Iowa acceptance limits;
- b. Failure to notify the department within 30 days of changes in personnel, equipment, laboratory facilities or other major change which might impair analytical capability; or
- c. Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on an on-site visit.

83.7(2) *Procedure for downgrading to conditionally certified status.*

- a. If a laboratory is subject to downgrading on the basis of 83.7(1)"a", the department shall notify the laboratory or owner in writing. The laboratory director will review the problems

cited and, within 30 days of receipt of the letter, send a letter to the department specifying what corrective actions are being taken. The department shall consider the adequacy of the response and notify the laboratory by mail of its certification status and may follow up to ensure corrective actions have been taken.

b. If a laboratory failed to analyze a performance evaluation sample within acceptance limits, the department will not downgrade certification if the laboratory identifies and corrects the problem to the department's satisfaction within 30 days of being notified. On behalf of the department, the University of Iowa Hygienic Laboratory may send the laboratory another unknown sample containing the failed component if no cause was unequivocally found. If the laboratory fails to analyze this second sample within acceptance limits, the department will downgrade the laboratory to conditional certification and notify the laboratory in writing.

c. Once the department notifies a laboratory, in writing, that it has been downgraded to conditional certification, the laboratory must correct the problem within three months for procedural or administrative deficiency and within six months for equipment deficiency. If the laboratory was downgraded because of a failure to analyze a performance evaluation sample within the acceptance limits, the laboratory must correct the problems and satisfactorily analyze another performance evaluation sample within two months of being notified.

83.7(3) *Criteria for revoking certification status.* Certification may be revoked for cause including, but not limited to, the following and the department retains the discretion to either downgrade or revoke certification. Laboratory certification will be revoked for the following reasons:

a. For conditionally certified laboratories, failure to analyze a performance evaluation examination sample within Iowa acceptance limits;

b. Failure to satisfy the department that the laboratory has corrected deficiencies identified during the on-site visit within three months for a procedural or administrative deficiency or within six months for an equipment deficiency

c. Submission of a performance evaluation sample to another laboratory for analysis;

d. Falsification of data or other deceptive practices;

e. Failure to use required analytical methodology for analyses submitted to the department;

f. Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on the site visit.

g. Failure to properly report analytical results in accordance with subrule 83.6(6).

83.7(4) *Procedure for revoking certification.*

a. The department will notify the party of its intent to revoke certification by commencement of a contested case proceeding as provided in 561--7.5(2) and consistent with Iowa Code section 17A.18.

b. Certification will be reinstated when the laboratory can demonstrate that all conditions for laboratory certification have been met through a new application for certification.

Date

Larry J. Wilson, Director

Mr. Stokes briefly reviewed the rules.

Terrance Townsend stated that he knows there is a need for accurate results but this rule seems to be an overkill. He related that if round-robin inspections are being done that would help in finding out who is experiencing problems. He added that this seems like an unfunded mandate for towns.

Chairperson King mentioned the that the UHL is the overseer but are still in competition for analyzing samples.

Mr. Stokes explained that the UHL is the laboratory for the State. He noted that there is a statutory provision that states the department will deal through a public laboratory unless they are not capable of doing the work. He added that if the department cannot use UHL then there is no program because the department does not have the capability in their staff to evaluate these labs.

Chairperson King asked if there is any national affiliation to do the evaluation.

Lee Friell, UHL, stated that a national creditation program is just starting, adding that it is in it's second year. He related that it will be offered to the states after July. Mr. Friell indicated that most states around Iowa have certification programs for wastewater. He noted that most of the large private laboratories are endorsing this so they can all produce competent data. He stated that the impetus for this program came from the communities around the state as they were pushing the issue to the department a number of years ago.

A lengthy discussion followed regarding split samples, costs for sampling analysis and certification fees.

Motion was made by William Ehm to approve Final Rule--Chapters 42, 63, and 83, Laboratory Certification. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

LEGISLATION UPDATE

Larry Wilson, Director, reported that Don Paulin and Jim Brown track approximately 175 bills for the department. He noted that the Appropriations bill passed the Senate last week. There is a bill dealing with CFC's and a number of livestock bills still pending. The Low Level Radioactive Waste Compact bill passed the Senate and is now in the House. The Toxics in Packaging bill passed the Senate and is now in the House. The Waste Tire Management Fund bill looks good in the Senate and the House. There are four bills addressing solid waste in Winnebago County. A bill is in the House on Septic Tank and Local Board of Health Regulations. Another bill requires that six legislators be given 35-day advance notice on rules coming before the EPC and NRC. There was also a bill that required EPC and NRC to provide a

cost analysis on every rule they would propose, and it is thought the bill was withdrawn or defeated in committee. Director Wilson indicated that the budget fared fairly well in the Senate.

INFORMATIONAL ONLY

GENERAL DISCUSSION

- Director Wilson gave a presentation on the department's response to the Governor's Competitiveness Task Force Regulations Subcommittee recommendations. He displayed overheads for each of the recommendations and the department's response to each. Director Wilson asked the Commission to give him a call within the next few days if they have any comments on the report.
- Director Wilson distributed copies of information on the BAWSS spending the Commission asked for earlier in the day. Information was provided on the funding levels for FY 92-95.
- Rozanne King asked the Director to find out if there has been any resolution on the fish kill case that came before the Commission last month
- Kathryn Draeger discussed the Leopold Center meeting she attended and questioned if there was any interface between Section 319 monies and some of their projects. Mr. Stokes responded affirmatively noting that the department tries very hard to coordinate those projects with the Leopold Center and the Department of Agriculture and Land Stewardship.

NEXT MEETING DATES

Chairperson King reported that the Commission has been invited to tour Rose Acres facility at Guthrie Center. She showed a videotape on waste water treatment depicting a Mercer, Pennsylvania project utilizing waste water reclamation and reuse at a sewage treatment plant. She related that Rose Acres has in place one of the systems shown in the videotape.

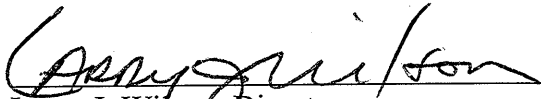
It was decided to hold the next meeting on Monday, April 15, in Guthrie Center, beginning at 11:00 a.m. The tour of Rose Acres will follow the meeting.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 4:35 p.m., Monday, March 18, 1996.

March 1996

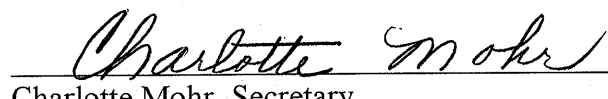
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Larry J. Wilson, Director



Rozanne King, Chair



Charlotte Mohr, Secretary

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